

Exhibit 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CASE NO.: 1:19-CV-09156 (LTS) (KHP)

- - - - - x

GRAHAM CHASE ROBINSON,

Plaintiff,

- against -

ROBERT DE NIRO and CANAL PRODUCTIONS, INC.,

Defendants.

- - - - - x

VOLUME III
ZOOM VIDEOCONFERENCE DEPOSITION OF
ROBERT DE NIRO
October 21, 2022

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1 VOLUME III
2 CONTINUED ZOOM VIDEOCONFERENCE ORAL
3 DEPOSITION OF ROBERT DE NIRO, taken pursuant to
4 Notice, commencing October 21, 2022, at 11:03
5 a.m., on the above date, before Catherine M.
6 Donahue, a Certified Court Reporter and Notary
7 Public in the State of New Jersey.

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9 Magna Job No. 886211

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1 A P P E A R A N C E S:

2 (All parties present via Zoom Remote)

3

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1 A P P E A R A N C E S: (Cont'd)

2 (All parties present via Zoom Remote)

3 ALSO PRESENT:

4 Eric Yumet, Magna Videographer

5 Graham Chase Robinson

6 Tom Harvey, Esq.

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FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein, that the filing and sealing be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to the form of the question shall be reserved until the time of trial.

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be sworn to and signed before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before this Court.

I N D E X

Witness:

Page

ROBERT DE NIRO

Examination by Mr. Sanford..... 456

October 21, 2022

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4	139	Document bearing Bates stamp ROBINSON 9966 through 9967	527
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	140	Document bearing Bates stamp CANAL 48805 through 48807	545
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7	141	Document bearing Bates stamp CANAL 47972 through 47974	549
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	142	Document bearing Bates stamp CANAL 48009 through 48011	549
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1	DEPOSITION SUPPORT INDEX	
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1 THE VIDEOGRAPHER: We are now on
2 the record. This begins videotape No. 1
3 in the deposition of Robert DeNiro in
4 the matter of Graham Chase Robinson
5 versus Robert DeNiro and Canal
6 Productions, Incorporated.

7 Today is October 21, 2022 and the
8 time is 11:03 a.m. This deposition is
9 being taken remotely at the request of
10 Sanford Heisler Sharp, LLP.

11 The videographer is Eric Yumet
12 and the court reporter is Catherine
13 Donahue both of Magna Legal Services.

14 MR. DROGIN: Bob, can you hear
15 us?

16 THE WITNESS: Yes, I can hear
17 you.

18 THE VIDEOGRAPHER: Will counsel
19 and all parties present please state
20 their appearances and whom they
21 represent.

22 MR. SANFORD: David Sanford of
23 Sanford Heisler Sharp for the plaintiff
24 Chase Robinson.

25 MS. HARWIN: Alexandra Harwin

1 from Sanford Heisler Sharp on behalf of
2 the plaintiff Graham Chase Robinson.

3 MR. SANFORD: Jeremy, you're on
4 mute.

5 MR. HEISLER: Jeremy Heisler at
6 Sanford Heisler Sharp for the plaintiff
7 Graham Chase Robinson.

8 MS. MacMULLIN: Kate MacMullin
9 from Sanford Heisler Sharp for the
10 plaintiff Graham Chase Robinson.

11 MR. LOCKMAN: Michael Lockman
12 with Sanford Heisler Sharp for the
13 plaintiff.

14 MR. SCHAITKIN: Simon Schaitkin
15 with Sanford Heisler Sharp for the
16 plaintiff Graham Chase Robinson.

17 MR. BENNETT: Gregory Bennett,
18 Traub Lieberman Straus & Shrewsberry for
19 defendants.

20 MR. DROGIN: Laurent Drogin,
21 Tarter Krinsky & Drogin for Canal.

22 MR. HARVEY: Tom Harvey for
23 Robert DeNiro and Canal.

24 THE COURT REPORTER: Did we get
25 everybody?

1 THE VIDEOGRAPHER: Is that
2 everyone?

3 MS. HARWIN: Also from Sanford
4 Heisler Sharp we have Leor Rosen and
5 Jamila Beesley present.

6 THE VIDEOGRAPHER: Okay.

7 Will the court reporter please
8 swear in the witness.

9 (The witness is sworn by the
10 court reporter.)

11 R O B E R T D e N I R O, recalled as a
12 witness by (Plaintiff), having been first
13 duly sworn by Catherine M. Donahue, a
14 Notary Public within and for the State of
15 New Jersey, was examined and testified
16 further as follows:

17 FURTHER EXAMINATION BY MR. SANFORD: (Cont'd)

18 Q. Mr. DeNiro, it is good to see you
19 again.

20 A. How you doing?

21 Q. Good.

22 Could you tell me what you did, if
23 anything, to prepare for today's deposition?

24 A. Talked about what would be -- what
25 we would be possibly, I guess, talking about.

1 That's it.

2 Q. Okay.

3 And who did you speak with?

4 A. Tom Harvey and Greg and Laurent.

5 Q. And how long did you speak?

6 A. Forty-five minutes, half an hour.

7 Q. And when was that?

8 A. Yesterday.

9 Q. Any other time did you speak with
10 those individuals or anyone else about this
11 deposition today?

12 A. A little, a week or two or three
13 ago. Tom Harvey for a few minutes. That was
14 it. That's it.

15 Q. Did you speak with anyone about your
16 last deposition since the time we were last
17 together until today?

18 A. No.

19 Q. Okay.

20 Have you read any materials in
21 preparation for today's deposition?

22 A. No.

23 Q. All right.

24 We're going to share, to start
25 today, a document with you in the chat that's

1 Bates stamped CANAL 1844. We previously
2 identified this document as Plaintiff's Exhibit
3 122.

4 Can you see that?

5 A. I don't see it yet.

6 Q. Okay.

7 We'll get it for you.

8 MR. DROGIN: Do you want to
9 screen share?

10 MR. SANFORD: It is not open.

11 All right. We'll get back to that.

12 How about that?

13 BY MR. SANFORD:

14 Q. Let me ask you some questions
15 instead before we review a document.

16 Mr. DeNiro, do you believe that you
17 were generous with Ms. Robinson?

18 A. Yes.

19 Q. In what ways?

20 A. I gave her what she wanted, even
21 titles that she was pressuring me about which I
22 thought were -- in the one sense really
23 meaningless because they were not real titles,
24 but she wanted them.

25 And so, I said okay, if you

1 really -- after a lot of pressuring, I said
2 okay. It really didn't mean anything, but I
3 gave them to her.

4 Q. Were there any other ways in which
5 you were generous to Ms. Robinson?

6 A. I paid her well.

7 Q. Anything else?

8 A. I was pretty trusting with
9 everything. You know, she would say "Look, this
10 is it, that I need this or that."

11 I would say, "Okay, if you say so,
12 if you think that's -- go ahead."

13 As I say, for me it was the honor
14 system. You do the right thing. That's it.
15 Okay. Fine.

16 Q. Were you generous to Ms. Robinson
17 when it came to expenses you paid for?

18 A. Yes, I think I was.

19 Q. Were you generous to Ms. Robinson
20 when it came to her travel?

21 A. Yes.

22 Q. Were you generous to Ms. Robinson in
23 allowing her to work outside of New York?

24 A. Yes.

25 Q. How so?

1 A. She told me she wanted to move to
2 work from Spain, from England. There might have
3 been one other place. LA. And I said as long
4 as you can get things done, fine, you know.

5 Q. Were you generous to Ms. Robinson
6 with respect to sky miles?

7 A. Well, to a point. She used the sky
8 miles. I would say to her be careful because my
9 kids need them at times, so I want to make sure
10 that they're available for the kids who will
11 possibly need to travel somewhere.

12 Q. Sorry.

13 Was there ever a time in
14 Ms. Robinson's employment when you told her that
15 she was not authorized to use Canal sky miles?

16 A. I don't remember. I pretty much
17 left that up to her in the way that she would do
18 it. Again, I was totally trusting in that
19 regard. I just didn't have a reason not to
20 trust her.

21 Q. Was there ever a time when
22 Ms. Robinson asked to take a trip for work or
23 for personal reasons that you told her she could
24 not use Canal sky miles?

25 A. Not that I remember. I was pretty,

1 pretty okay with it. She would give me a reason
2 and I would say okay.

3 Q. So during Ms. Robinson's employment,
4 who besides you and Ms. Robinson knew the
5 specifics of what expenses Ms. Robinson was
6 authorized to charge to Canal?

7 MR. DROGIN: Objection to the
8 form.

9 Go ahead.

10 BY MR. SANFORD:

11 Q. Was there anyone else? You can
12 answer the question if you understand. But
13 basically the question is, was there anyone else
14 besides you and Ms. Robinson who knew the
15 specifics of what expenses Ms. Robinson was
16 authorized?

17 MR. DROGIN: Same objection to
18 the form.

19 Go right ahead.

20 A. Well, I mean, not that I would -- it
21 would be her and that would be it. Unless my
22 accountants would have to be aware of something
23 that I would then assume, which I shouldn't
24 have, that she would apprise them of whatever
25 needed to -- whatever they needed to be apprised

1 of, you know, and that was it.

2 BY MR. SANFORD:

3 Q. Was there anyone besides you and
4 Ms. Robinson who knew of the specifics of what
5 sky miles Ms. Robinson was authorized to use or
6 to transfer?

7 MR. DROGIN: Objection to the
8 form. Objection to the form.

9 Go ahead.

10 A. I don't know if there were other
11 people who knew or were aware, even who she
12 might have told. But for me, I didn't say
13 anything. I took what she said as what it was
14 and that was it.

15 BY MR. SANFORD:

16 Q. Canal's general counsel, Tom Harvey,
17 did not participate in discussions between you
18 and Ms. Robinson over the years when you
19 discussed what expenses Ms. Robinson was
20 authorized to charge, right?

21 A. No, no.

22 Q. And other Canal employees didn't
23 participate in discussions between you and
24 Ms. Robinson over the years where you discussed
25 the specifics of what expenses Ms. Robinson was

1 authorized to charge, right?

2 MR. DROGIN: Objection to the
3 form.

4 I note it is a double negative.

5 BY MR. SANFORD:

6 Q. You can answer.

7 A. Why would I -- why would I, you
8 know, unless they brought it up for some reason?
9 But otherwise, no.

10 Q. And Canal's general counsel, Tom
11 Harvey, did not participate in discussions
12 between you and Ms. Robinson over the years when
13 you discussed what sky miles she was authorized
14 to transfer, right?

15 A. We didn't discuss it. There was no
16 reason to discuss it. Only after I found out
17 all the miles she had taken.

18 Q. And that was after Ms. Robinson
19 resigned?

20 A. Yes.

21 Q. And Canal employees Michael Kaplan,
22 Sabrina Weeks-Brittan and Gillian Spear didn't
23 participate in discussions between you and
24 Ms. Robinson over the years when you discussed
25 what sky miles she was authorized to transfer,

1 correct?

2 A. No, not that I know.

3 Q. And during --

4 A. Ut-oh. You froze.

5 MS. HARWIN: It looks like we're
6 frozen, so why don't we go off the
7 record and try to troubleshoot.

8 THE VIDEOGRAPHER: Absolutely.

9 The time is 11:14 a.m. and we're
10 going off the record.

11 (Whereupon, at 11:14 o'clock
12 a.m., a recess was taken until 11:14
13 o'clock a.m.)

14 THE VIDEOGRAPHER: The time is
15 11:14 a.m.

16 And we are back on the record.

17 BY MR. SANFORD:

18 Q. I'm sorry, I froze, Mr. DeNiro.
19 Can you repeat the answer to my
20 question?

21 A. Can you ask me it again?

22 Q. Sure.

23 During Ms. Robinson's employment,
24 Canal's general counsel, Tom Harvey, wasn't
25 privy to the details about all the day-to-day

1 work that you had Ms. Robinson perform, correct?

2 A. No, I don't think so. There wasn't
3 any reason.

4 Q. And during Ms. Robinson's
5 employment, the other Canal employees weren't
6 privy to the details about all the day-to-day
7 work that you had Ms. Robinson perform; isn't
8 that right?

9 A. They could have been, but I didn't
10 know about it. Maybe there was some spillover
11 for whatever reason having them do something
12 that she delegated to them. It could have been
13 something in relation to air miles. I don't
14 know.

15 Q. Okay.

16 How much time did you spend
17 discussing with Tom Harvey or anyone else, for
18 that matter, the sky miles transactions that
19 serve the basis for Canal's claims against
20 Ms. Robinson?

21 MR. DROGIN: Objection to the
22 form.

23 A. I don't remember specifically, but
24 it was the amount of time that was needed in
25 order for me to understand what had happened and

1 then that's it.

2 BY MR. SANFORD:

3 Q. Okay.

4 How much time did you spend with
5 Mr. Harvey, to the best of your recollection?

6 A. You mean the very first time I heard
7 about it?

8 Q. Well, let's start there.

9 A. You know, not that long, but long
10 enough to know that this is what has happened;
11 this is the situation.

12 Q. The sky miles at issue in Canal's
13 claims against Ms. Robinson were generated by
14 Canal's American Express card, right?

15 A. Yes, as far as I know, yes. That's
16 all that it was, yes.

17 Q. So setting aside the sky miles that
18 were generated by Canal's American Express
19 credit card, at any point in the last decade,
20 have you or Canal ever purchased sky miles?

21 A. I don't think we had to. We had
22 enough from the American Express card, the way I
23 understood it.

24 Q. Do you have -- do you have any idea
25 sitting here today what sky miles are worth?

1 A. Not really, no. Specifically, no.

2 Q. What is your best understanding of
3 what the value is of sky miles?

4 A. Well, I understand that they're
5 valuable and I was given the equivalent, I
6 guess, in terms of dollars at one point, but
7 I've forgotten. But they were valuable and they
8 were taken from me when they shouldn't have been
9 and that's not right.

10 Q. So, I mean, do you have any sense at
11 all like what one sky mile is worth? Is it
12 worth pennies?

13 A. No, I don't.

14 Q. Is it worth a dollar? Do you have
15 any idea at all?

16 A. No, I don't know. I guess you would
17 translate the miles and traveling and what class
18 you're going under. You could break it down, I
19 suppose, yes.

20 Q. You generally preferred to fly
21 private, right, not commercial? Is that a
22 fair --

23 A. When I can. Not always, but when I
24 can.

25 Q. And when you, when you fly

1 commercial, do you have a preferred airlines you
2 like?

3 A. No. I mean, we might have because
4 of the sky miles, Chase could have said, "Well,
5 we're going to American or we should go
6 American. We have the sky miles."

7 So I would go American.

8 Q. And you liked [REDACTED] because
9 [REDACTED] has first class and you like to travel
10 first class?

11 A. Yes, that could be, yes, that's it.

12 Q. And you understand and have
13 understood that [REDACTED] doesn't have first class,
14 right?

15 A. Yes, it has a good business class,
16 but not first class. I mean, I have flown [REDACTED]
17 a few times.

18 Q. And you preferred the first class
19 over the business class; is that a fair
20 statement?

21 A. If I have to get somewhere and I
22 don't have a first class and I would have to
23 take a Delta business, I'll take it.

24 Q. Right. I understand.

25 But my question is rather, you

1 prefer first class over business class. That's
2 a fair statement, right?

3 A. In general you could say that, yes,
4 yes.

5 Q. Mr. DeNiro, at the last deposition,
6 you agreed to look at the individual charges
7 that Canal accused Ms. Robinson of improperly
8 charging and come prepared today to answer
9 questions about the charges.

10 Have you done that, sir?

11 MR. DROGIN: Objection.

12 Objection to the form.

13 This deposition is being
14 conducted pursuant to a specific court
15 order. So whatever the witness may have
16 agreed to you with is not binding on him
17 here today, and you don't make deals
18 with the witnesses as to what -- witness
19 as to what he's going to do.

20 So I'm going to object to that
21 question, and whether we direct him not
22 to answer and call the court will depend
23 on how you comport yourself.

24 MR. SANFORD: Thank you for that
25 speech, Laurent.

1 MR. DROGIN: You're welcome.

2 BY MR. SANFORD:

3 Q. My question, Mr. DeNiro, is you
4 agreed to look at individual charges.

5 Have you done so?

6 A. I have at one point. I can't
7 remember the last time I did it, but in
8 preparation for the last deposition, I did look
9 at them.

10 I had to look and get a fair idea
11 and before that just to know what was taken from
12 me.

13 Q. And were you able to identify a
14 single charge that you contend was improper?

15 A. There were. I can't at this moment
16 get specific. I know she did take things that
17 very clearly she shouldn't have.

18 Q. Right.

19 But in the last deposition you
20 couldn't get specific either, and that's why I
21 asked if you would be so kind as to review the
22 charges and come prepared to discuss them.

23 You're not prepared to do that?

24 A. No, I'm not.

25 Q. Because you don't know of any

1 offhand of any specific charges that you would
2 view as improper?

3 MR. DROGIN: Objection to the
4 form.

5 A. I know there are improper. We
6 wouldn't be here if there wasn't what you would
7 call misdeeds or maldeeds or whatever you want
8 to call them. The thing is inappropriate
9 behavior on Chase Robinson's part.

10 BY MR. SANFORD:

11 Q. At any point before or after Canal
12 brought its lawsuit against Ms. Robinson, have
13 you ever reviewed the specific sky mile
14 transfers that Canal has said were improper?

15 A. I'm sure I did. I can't remember
16 now offhand, but to be made aware of that, yes.

17 Q. You're sure you did, but you don't
18 remember specifically --

19 A. Yes.

20 Q. -- reviewing them?

21 A. Yes.

22 Q. Is that a fair statement?

23 A. I guess, yes.

24 Q. So when I ask you questions, and I
25 said this last time, I'm asking you as a fact

1 witness, right?

2 So I want to know what you remember.

3 If you don't remember, feel free to say you

4 don't remember.

5 But sitting here today, to the best

6 of your recollection, do you know a time when

7 you reviewed specific sky miles that you viewed

8 were improper?

9 A. I remember I had done that and then
10 it was explained to me why those should not have
11 been taken from me. Chase Robinson did not have
12 the right to take them. She overreached, dipped
13 in way, way, way too far. And that's it, if I
14 remember.

15 Q. Who explained that to you?

16 A. Tom Harvey.

17 Q. And did you ask Mr. Harvey any
18 questions about it?

19 A. At the time I might have asked this
20 or that. But it basically was pretty simple,
21 you know. We can get complicated, but it was
22 pretty simple.

23 Q. Was there anyone else present when
24 Mr. Harvey explained this?

25 A. I don't remember.

1 Q. Do you remember when that
2 conversation occurred?

3 A. Oh, a couple years ago.

4 Q. Do you remember how many
5 conversations you had?

6 A. It might have been two before all
7 this stuff and in my deciding, you know, that's
8 it; I'm pissed. She did the wrong thing.

9 I tried to do right by her. She
10 just -- and, you know, all the other underhanded
11 things she did like tape recording people and so
12 on. She was up to something.

13 And it is a shame because if she had
14 just done what she was supposed to do, we
15 wouldn't all be here and we all wouldn't be -- I
16 wouldn't be having to spend money in this whole
17 ridiculous situation.

18 Q. You really don't like Ms. Robinson,
19 do you?

20 A. I don't like her. I trusted her and
21 I did like her, but after what she did, there's
22 not much to like.

23 Q. And it is fair to say you hate her,
24 don't you?

25 A. I don't hate her. I feel sorry for

1 her.

2 Q. You feel sorry for her. Why do you
3 feel sorry for her?

4 A. Because she did -- because I think
5 the moves that she made were pathetic. She had
6 such a sense of self-importance. That if she
7 had just done the work that say the people --
8 and some of them she hired. I hired them at her
9 recommendation to do the work and are terrific.
10 So she just for some reason had this
11 thing, this entitled feeling and also distrust
12 of me, people, the situation.

13 And I don't know what, what
14 frequency she was operating on, but it wasn't
15 the right frequency. Because if it was the
16 right frequency, we wouldn't be in this
17 situation. And the right frequency is just to
18 do the right thing, be honest, straight. You
19 make a mistake, you apologize. We move on.

20 But what she did was underhanded.
21 She kept moving forward, looking to accumulate
22 evidence against me and others and people who
23 trusted her like me.

24 And, you know, I know you're her
25 lawyer and you're doing your thing and that's

1 fine, but that's the bottom line with her and we
2 know that.

3 Q. You would like to see her in jail,
4 wouldn't you?

5 A. I don't even want to see her in
6 jail. I don't have time. She's not a criminal
7 felon. She is just somebody -- she might have
8 done things that maybe are bordering on felony.
9 I don't know. But she is, she -- maybe she
10 needs help, but I don't want to see her put in
11 jail.

12 I just want my stuff back and good
13 riddance; I'm out of here. I don't want her to
14 come after me after everything I have done for
15 her. On top of adding insult to injury, she
16 comes after me. This is crazy.

17 Q. Well, when you went to the DA, you
18 understood that in bringing charges against her,
19 she could wind up in jail, right?

20 A. What are you trying to ask me? That
21 I'm a bad guy? You really want to put her in
22 jail. I don't want to put her in jail. I want
23 her to be, I want her to be accountable for what
24 she did. So whatever that is.

25 Q. You understood by going to the DA

1 she would be potentially going to jail?

2 MR. DROGIN: Counsel, I'm going
3 to stop you and I'm going to direct him
4 not to answer the question.

5 (Whereupon, the transcript
6 was marked for a direction not to
7 answer.)

8 THE WITNESS: Okay.

9 MR. SANFORD: On what basis?

10 MR. DROGIN: Well, I have already
11 said that I'm not going to permit any
12 more questions into marital issues,
13 family issues, health issues, alcohol
14 issues, the deponent's emotions at a
15 particular time.

16 This is not -- this is neither
17 here nor there at the bottom line for
18 this case. So those questions are off.
19 There's enough of those questions.

20 So I will allow the plaintiff two
21 more questions -- two more hours to
22 complete, and I'm going to advise you to
23 focus on what's really needed for the
24 claims. That's what the court
25 instructed you to --

1 MR. SANFORD: I am well aware.
2 What does that have to do with my
3 questions about going to the DA which is
4 very relevant, front and center in this
5 case?

6 MR. DROGIN: His emotions or what
7 he wanted are completely contrary to the
8 warning the court has given you.

9 If you want to know what he said
10 to the DA, which is what the court said
11 you could ask, then by all means, go
12 ahead.

13 MR. SANFORD: Mr. DeNiro's intent
14 in this case throughout is relevant and
15 will be relevant at trial. There's
16 nothing that really could be more
17 material. So I totally disagree with
18 your characterization.

19 Are you going to stand by your
20 direction to Mr. DeNiro on this issue,
21 really?

22 MR. DROGIN: I'm concerned that
23 you're going to continue to abuse this,
24 and we have a clear direction from the
25 court as to what the proper topics are

1 today.

2 You represented to the court in
3 open court and you put it in writing as
4 to the topics that you said you needed
5 additional time for. So you're limited
6 to those topics.

7 MR. SANFORD: All right.

8 You're wasting time.

9 BY MR. SANFORD:

10 Q. Mr. DeNiro, without having gone
11 through and looked at individual charges, are
12 you able to provide sworn testimony today that
13 any specific credit card charges that Canal
14 includes in its claims against Ms. Robinson were
15 improper?

16 Are there any specific credit card
17 charges you are aware of that you would contend
18 are improper?

19 MR. DROGIN: Objection to the
20 form.

21 A. Yes, there were, yes. I can't get
22 specific now, but there were.

23 BY MR. SANFORD:

24 Q. So you know of no specifics sitting
25 here today?

1 A. No, but there were.

2 Q. Are you aware of any specific
3 charges that you would contend are improper with
4 respect to charges made for Paola's --

5 A. Sorry.

6 Q. -- Paola's restaurant?

7 A. Yes. She charged for meals for
8 herself where she never asked me and she charged
9 them for herself, as I say. That's, that's not
10 kosher. That's not right.

11 Q. And you know for a fact sitting here
12 today under sworn testimony that Ms. Robinson
13 was not working during the time in question at
14 Paola's? You know for a fact that she was not
15 working?

16 MR. DROGIN: Objection to the
17 form.

18 A. Not working for what?

19 BY MR. SANFORD:

20 Q. For you. Doing something related to
21 work. You know for a fact that she wasn't?

22 A. Yes, she was not. She was -- my
23 understanding is that she was charging meals to
24 herself, for herself. She was not entitled to
25 do that.

1 If she was doing that, she should
2 have made me aware of it and let me decide
3 whether that's right or wrong or that she should
4 do it. So, yes.

5 Q. What is your understanding based on?

6 A. My understanding is based on what I
7 heard that she charged. She charged meals to
8 her, for her -- to me for her.

9 Q. My question, sir, is do you know for
10 a fact that she wasn't working while she was at
11 Paola's, that it wasn't a work meal? That's the
12 question.

13 A. You know, she could say she was
14 working. She has done other things where she
15 said she is working so that entitles her to get
16 a meal.

17 Now we're just playing games. She
18 overcharged me. Period. That's my answer.

19 Q. Mr. DeNiro, you don't know for a
20 fact sitting here today --

21 A. I know.

22 Q. Let me finish, just so we have a
23 clear record. I'll let you finish. Please let
24 me finish.

25 My question is, you don't know for a

1 fact, do you, that the charges with respect to
2 Paola's weren't in connection with work? You
3 don't know that for a fact, do you?

4 A. But I was charged as if she was
5 working because -- so she was working. That's
6 what she is saying. You're saying she might
7 have been working and I don't know that.

8 Q. You don't know, right? It's true
9 you don't know? It is true you don't know that?

10 A. Well, no, I don't know whether she's
11 working.

12 Q. That's my question.

13 A. She claims to have been working in
14 order to be able to charge like that.

15 Q. That's my question.

16 A. But there's something in all of this
17 that we went through before that doesn't add up.

18 Q. All right.

19 So you don't know for a fact that
20 she was working.

21 Here is my next question. Without
22 having gone through and looked at the individual
23 charges yourself, are you able to say for sure
24 that any of the specific charges Ms. Robinson
25 made for Ubers or taxis were unauthorized?

1 In other words, do you know for a
2 fact?

3 A. Yes, if we broke it all down and I
4 was asked trip by trip, I would say she had no
5 right to do this. She had no right to do that.
6 She had no right to do that. She took it upon
7 herself.

8 Yes, if you want to break it down
9 with me, we'll break it down. If you want to
10 nitpick like that, let's do it. I'll take the
11 time.

12 Okay.

13 Q. Under oath sitting here today, you
14 don't know for a fact that Ms. Robinson wasn't
15 working on any of the trips that she took by
16 Uber or taxi, do you?

17 A. I know for a fact that she was
18 overusing Uber, using it when she shouldn't
19 have; been in rooms in LA -- in hotels when she
20 shouldn't have been doing it.

21 My lawyers told me that. And I have
22 no more specific answer than that, but I trust
23 my lawyers what they say. And, I'm sorry,
24 that's it.

25 Q. What's the basis of your knowledge?

1 A. I don't want to nitpick with you.

2 Q. What's the basis of your knowledge
3 that Ms. Robinson --

4 A. The basis is that I have been told
5 by my attorneys that she took -- she did things
6 when she shouldn't have. It made no sense for
7 her to charge me for things. It made no sense.

8 Again, if you want to go over each
9 item, I will do that.

10 Q. I'm not asking --

11 A. If you want to waste our time, I
12 will.

13 Q. I'm not asking you what your lawyers
14 told you.

15 A. Okay.

16 Q. I know you have a lot of faith in
17 your great lawyers.

18 A. You're just making it is a
19 technicality and I don't like the question.
20 I'm sorry.

21 Q. You have faith in your great
22 lawyers. I appreciate that. They are good
23 lawyers --

24 A. You should watch it about yourself,
25 buddy, you know, calling them great. I'm a

1 little ashamed for you that you are even having
2 to do a case like this.

3 Q. I'm glad --

4 A. Because it is beneath you, buddy.
5 It is beneath you. This whole thing is a joke.

6 MR. DROGIN: Guys, this is --

7 BY MR. SANFORD:

8 Q. Can I just ask a question,
9 Mr. DeNiro?

10 My question simply is, apart from
11 what your lawyers told you -- and you have faith
12 in your lawyers -- and that's one thing --

13 A. Yes, I do.

14 Q. I'm not asking about that. I'm not
15 asking about what they told you.

16 I'm asking, do you, as a fact
17 witness in this case -- the lawyers are not fact
18 witnesses. You're the fact witness. You're
19 going to be at trial testifying. You're
20 testifying right now under oath.

21 A. Yes.

22 Q. My question is, do you have any
23 personal knowledge to say that Ms. Robinson took
24 unauthorized Uber trips or unauthorized --

25 A. Yes, I do. When I was told about it

1 at the time, I said this is not right. This
2 shouldn't have happened. That's inappropriate.
3 That's wrong.

4 I don't have it specifically now,
5 but I had it and I remember it from then.
6 That's the best that I can do. If you want to,
7 if you want, we will pull them all out and go
8 over them again and I will show you.

9 Q. And you will know for a fact that
10 she wasn't working --

11 A. Yes, I will, absolutely.

12 Q. All right.

13 And without having gone through and
14 looked at individual charges, are you able to
15 say for sure that any of the specific charges
16 Ms. Robinson made for Whole Foods or Dean &
17 DeLuca were unauthorized?

18 MR. DROGIN: Objection.

19 Objection to the form.

20 A. I will be able to find unauthorized
21 charges. Yes, I will.

22 BY MR. SANFORD:

23 Q. Sitting here today, are you aware of
24 any trip that you know for a fact wasn't
25 connected -- sorry. Strike that.

1 A. Yes, she did. She --

2 Q. Are you aware of any charge with
3 respect to Dean & DeLuca or Whole Foods --

4 A. She went to California under the
5 pretext of one thing, that she had to take some
6 Taxi Driver books or something back to me. She
7 didn't do that.

8 She went for Amelia - I'm forgetting
9 her last name - birthday party. She's done
10 other things. She's stayed in hotels where she
11 shouldn't. She charged me. I never knew about
12 it. She never asked me if she could charge me
13 for that.

14 I'm sorry, if you want to go over
15 all these expenses, we will. We will waste our
16 time and I will point it out to you specifically
17 where she was not entitled to charge me for
18 those things.

19 Q. Do you remember having any
20 conversation over the years with Ms. Robinson
21 about circumstances where she could charge Canal
22 for food?

23 A. There are times she could --

24 MR. DROGIN: Objection to the
25 form.

1 Excuse me, hold on. Hold on.

2 Bob, excuse me.

3 I'm objecting and I'm directing
4 the witness not to answer. This line of
5 questioning was covered on pages 334,
6 335, 336 and so on in the prior
7 deposition.

8 (Whereupon, the transcript
9 was marked for a direction not to
10 answer.)

11 MR. DROGIN: Let's go back to the
12 judge now and tell her what you're
13 asking about now, and then we can show
14 how you are just wasting time here,
15 David, and you're going over stuff
16 you've already covered.

17 You were permitted two hours and
18 38 minutes of questioning; not to rehash
19 the same questions, but to move forward.
20 You gave specific topics about what you
21 felt you needed to question on. You
22 shouldn't have to go back over the same
23 ground.

24 Shall we call the judge? Shall
25 we call the judge, or are we going to

1 move on?

2 MR. SANFORD: I don't believe I
3 asked that question, Laurent. I did not
4 ask that specific question.

5 But we can move on.

6 BY MR. SANFORD:

7 Q. Mr. DeNiro, you're a part owner of
8 Nobu, right?

9 A. Yes.

10 Q. If a Canal employee went to Nobu, is
11 that something you would pay for?

12 A. If they told me about it, I may be
13 aware of it. It wasn't a hard and fast rule
14 across the board that any person who worked for
15 me could go to Nobu and charge and get a meal
16 and that I would pay for it.

17 That was something that was asked.
18 They would ask and do it. Sometimes Chase did
19 say, look, I want to take some people from the
20 company there for whatever celebration they were
21 doing. I would say it is okay.

22 But it seems there are times that
23 she has not told me that and just felt she was
24 entitled to do that and she wasn't.

25 Q. So you authorized Ms. Robinson to

1 take Canal employees out for meals at Nobu?

2 A. Rarely. From time to time when she
3 told me.

4 Q. And at times you authorized
5 Ms. Robinson to take Amelia Brain for dinner at
6 Nobu?

7 A. I might have.

8 Q. What have you told Ms. Robinson over
9 the years about the circumstances when she could
10 charge Canal for her Ubers and taxis?

11 A. I don't remember, but I know that
12 there were times. To say it again for the
13 hundredth time, she was not authorized to use
14 Uber in the ways that she has because I didn't
15 give her the permission to do that. I didn't
16 say she could, and she took it upon herself to
17 do it anyway.

18 Q. At any point during Ms. Robinson's
19 employment, did you ever tell her that any sky
20 mile transfers that she made were improper?

21 A. I didn't tell her at the time. She
22 told me once she was doing some sky -- she said
23 "Let me just transfer. She said I think it is
24 better if we have them over here."

25 I said "Okay, if you say so,"

1 trusting her again a hundred percent. You say
2 so, then you do it. I know you're going to do
3 the right thing.

4 She didn't. She took a lot more
5 miles, sky miles. She shouldn't have done that.
6 All I can say is, you know, shame on her.

7 Q. You have used the term checks and
8 balances in reference to your accountants. Can
9 you explain what checks and balances your
10 accountants provided for Canal Productions?

11 A. Can you be more specific?

12 Q. Well, in the last deposition, you
13 referenced checks and balances; that your
14 accountants served as basically a check and a
15 balance on the system.

16 And I'm just wondering, you know,
17 what kind of checks and balances your
18 accountants provided for Canal.

19 A. Well, checks and balances are the
20 people -- there are other people in this whole
21 situation who, if they sense something that is
22 out of whack or improper, they'll draw my
23 attention to it.

24 I gave Chase a lot of power in a
25 way, and I didn't know that she would abuse it.

1 And she did. She just foolishly abused
2 something that if she had been honorable, we
3 wouldn't, as I say, be in this situation. It
4 would never happen. Chase would be working
5 somewhere else. And more power to her; that
6 would be great.

7 But, you know, she has done -- she
8 is not -- unfortunately, she thought -- you
9 know, I have encountered people in my life who
10 think of doing things -- they can't think of
11 doing it in a proper way. They have to do it
12 with a little bit of larceny in their heart.

13 And I'm not saying she is that way,
14 but in a way she kind of didn't do it the way
15 she should have done it. She is presenting it
16 to you guys and how she has been wronged and all
17 this.

18 But the bottom line is she has not
19 done the right thing. Because if she did the
20 right thing -- because nobody was more trusting
21 than I was, and there was no reason for her to
22 do that. So...

23 Q. So you were just bamboozled for ten
24 years, weren't you?

25 A. I was bamboozled -- not all the

1 time. I mean, she did good things. She
2 bamboozled me. She had an angle that I'm sorry
3 that she did. She would still be working for
4 me.

5 Q. And you're just a bad judge of
6 character then, aren't you?

7 A. Sometimes I am. And sometimes I
8 trust people even though I know they're going to
9 probably, they're probably going to do something
10 that's not nice and I give them -- I give them
11 the benefit of the doubt.

12 Q. And you're just a victim here as you
13 view yourself?

14 A. I am a victim. You're damn right
15 I'm a victim.

16 Q. And you feel victimized, don't you?

17 A. I sure do. And I'm not a person
18 that likes to whine that I'm being victimized,
19 but I am being victimized at this time.

20 Q. Do you think you're whining?

21 A. I'm not whining. Not at all.

22 Q. You're just victimized.

23 Did you ever express any concern to
24 Ms. Robinson or anyone else about her spending
25 before her employment at Canal ended?

1 MR. DROGIN: Objection to the
2 form.

3 A. I don't remember that. No.

4 BY MR. SANFORD:

5 Q. Did you ever express any concern to
6 Ms. Robinson about use of sky miles before her
7 employment at Canal ended?

8 MR. DROGIN: Objection to the
9 form.

10 A. Yes, I can't remember.

11 BY MR. SANFORD:

12 Q. Before Ms. Robinson's employment at
13 Canal ended, did your accountants ever bring to
14 your attention any concern about Ms. Robinson's
15 spending?

16 A. I don't remember. They might have.
17 You know, I was so trusting with her that she
18 questioned everything about every person I
19 worked with.

20 And I said, well, if you question
21 it, then let me just see. Maybe there is
22 something. Foolishly, you know, I bought into a
23 little of that.

24 And so, they might have been a
25 little afraid because I gave her a certain

1 amount of power that was -- that I shouldn't
2 have, and she abused it. And people were wary
3 of her. And I'm sorry that I did that, and I've
4 apologized to some of my people who work for me
5 because, you know, it shouldn't have happened.

6 Q. Before Ms. Robinson's employment at
7 Canal ended, did your accountant ever bring to
8 your attention any concern about Ms. Robinson's
9 use of sky miles?

10 MR. DROGIN: Objection to the
11 form.

12 You can answer it.

13 A. Well, all I remember is that after
14 she resigned, I was made aware that she had
15 taken a lot of sky miles that she was not
16 entitled to. I never gave her permission to
17 take them. She just helped herself.

18 BY MR. SANFORD:

19 Q. Do you still employ Berdon LLP as
20 your accountants?

21 A. Yes.

22 Q. Do you still employ Berdon LLP as
23 the accountants for Canal Productions?

24 A. Yes.

25 Q. How long has Tom Harvey been general

1 counsel for Canal?

2 A. It has been many years. I can't
3 remember. Twenty or more.

4 Q. During Ms. Robinson's employment at
5 Canal, Ms. Robinson performed work for you while
6 she was away from New York, correct?

7 A. Right, yes.

8 Q. And it didn't make a difference to
9 you whether she was in London, Spain, Los
10 Angeles or anywhere else as long as she got her
11 job done, right?

12 A. It made a difference and I allowed
13 it because I allowed her to go there as long as
14 she felt she could do the work from those
15 places.

16 I guess most employers wouldn't
17 even -- this was before the pandemic. Most
18 employers would have said, look, that's not
19 going to fly with me. Some do, maybe.

20 And I was very, very loose with her.
21 I let her do it. I didn't, you know -- I said
22 "As long as you're there, as long as you take
23 care of business, I'm fine with it. I'm not
24 sure about it, but if you say so, I'm going to
25 trust you on that."

1 Q. And she took care of business,
2 didn't she?

3 MR. DROGIN: Objection to the
4 form.

5 A. In some ways she did and others she
6 didn't.

7 BY MR. SANFORD:

8 Q. In what ways didn't she?

9 A. Well, the time when I got upset with
10 her when she didn't wake me up when I had to
11 have that meeting. The time when she abused the
12 things like use of Uber or the hotel and stuff
13 like that and other things that I can't remember
14 right now, but we can even, if you want to go
15 over bit by bit each item, we can do that. You
16 know, be my guest.

17 Q. She didn't wake you up once.
18 Anything else that you can recall that she
19 didn't do that she should have done?

20 A. My lawyers have pointed out things
21 she has done other than sky miles, other than
22 using Uber, other than staying in hotels and
23 expensive rooms that she shouldn't have and
24 never asked me about it. So, yes.

25 Q. My question is, did she ever fail on

1 the job for you. I'm not asking what your
2 lawyers told you. I'm asking you if she ever
3 failed on the job for you, not for the lawyers.

4 A. That's -- she did okay, but to do
5 okay is fine. That's what she is supposed to
6 do.

7 When you take advantage of me the
8 way she did, no. She is not doing her job. And
9 God knows how she misrepresented herself with me
10 as the person working for me. Only she knows
11 that.

12 And other people maybe just don't
13 want to get involved and say, well, all I know
14 is there were a lot of parties at my office in
15 TriBeCa when she was gone.

16 Q. And so, can you recall a single
17 vacation that Ms. Robinson took when she didn't
18 work for you?

19 MR. DROGIN: Objection to the
20 form.

21 BY MR. SANFORD:

22 Q. Was there ever a vacation -- do you
23 understand the question? Was there ever a
24 vacation that Ms. Robinson took where she
25 didn't, in fact, work on the vacation, to your

1 knowledge?

2 MR. DROGIN: Objection to the
3 form.

4 A. There was one time --

5 MR. DROGIN: You can answer.

6 A. She told me in London that she went
7 to England or something and, in fact, even sent
8 me photos of some inn she was staying at.

9 And I don't know -- and I don't know
10 if my lawyers have found anything even on those
11 times that she felt entitled to take an Uber or
12 this or that or, you know, put some of those
13 expenses -- made me pay for some of those
14 things. I don't know that.

15 Maybe we will find that if we have
16 to look, and maybe we will have to look to just,
17 you know, to add on to the things that she has
18 already done.

19 BY MR. SANFORD:

20 Q. I'm asking you, sir, as the key fact
21 witness here in this case, whether you are aware
22 of a single time when Ms. Robinson took a
23 vacation in about ten years of employment where
24 she didn't, in fact, work on the vacation for
25 you?

1 MR. DROGIN: Objection to the
2 form.

3 You can answer.

4 A. Yes, you're saying that she always
5 worked. That's what she says. And then we hear
6 that she did other things too.

7 Listen, again, it is the honor
8 system. You say you're working; I believe you.
9 You say you're entitled to something; I believe
10 you. If you go too far, I say, "Well, wait a
11 minute. Let's negotiate."

12 But just don't overstep. She has
13 overstepped. She has overstepped quite a few
14 times unfortunately. So that's all I can tell
15 you.

16 BY MR. SANFORD:

17 Q. She was always working for you;
18 isn't that a fact?

19 A. That's what her claim was. That was
20 always what her claim was. And then I hear that
21 she delegated a lot of things to other people in
22 my office, and you have testimony from them.

23 And if you want, we'll go back and
24 get their testimony again.

25 Q. Do you even remember when her

1 grandmother died?

2 A. I don't have to remember when her
3 grandmother died. That's not --

4 Q. No, do you remember? My question is
5 yes or no.

6 A. No, I don't.

7 Q. So you don't remember calling her
8 twice during the funeral despite knowing that
9 she was at a funeral for her grandmother? You
10 don't remember that?

11 A. No, I don't.

12 Q. Okay.

13 MR. DROGIN: Counsel, can we go
14 back now to the topics that you
15 represented to the court that you wanted
16 to cover during this deposition?

17 MR. SANFORD: Yes, why don't we
18 take a five-minute break, if that's
19 okay.

20 MR. DROGIN: Sure.

21 THE VIDEOGRAPHER: Sure.

22 The time is 11:48 a.m. We are
23 going off the record.

24 (Whereupon, at 11:48 o'clock
25 a.m., a recess was taken until 11:56

1 o'clock a.m.)

2 THE VIDEOGRAPHER: The time is
3 11:56 a.m.

4 We are back on the record.

5 BY MR. SANFORD:

6 Q. Okay.

7 Mr. DeNiro, you understand you're
8 still under oath?

9 A. Yes.

10 Q. All right.

11 If Ms. Robinson performed work for
12 you while she was in London or Spain or Los
13 Angeles or anywhere else in the world, for that
14 matter, she would be paid just as much as if she
15 had been working in New York, correct?

16 A. Yes.

17 Q. And you would pay Ms. Robinson for
18 days she worked for you regardless of where she
19 performed the work, right?

20 A. Yes.

21 Q. And there were times when
22 Ms. Robinson performed errands for you in
23 London, right?

24 A. Yes.

25 Q. And if you knew Ms. Robinson was

1 going to be in London, were there specific kinds
2 of errands you had her run for you while she was
3 there?

4 A. I don't know. There were things
5 that she would do that -- you know, there was a
6 writer who was writing a book and wanted to
7 write a book about one of my films, and I met
8 him.

9 And we had that -- she brought him
10 to the hotel and we spoke, and that relationship
11 started. That was stuff she was supposed to do
12 and she did, yes.

13 Q. And in London, Ms. Robinson scouted
14 antique stores for you, didn't she?

15 A. She did, yes.

16 Q. And while in London, Ms. Robinson
17 picked up items at antique stores for you,
18 didn't she?

19 A. She probably did, yes.

20 Q. At this point, you don't have any
21 ability to remember whether or not Ms. Robinson
22 was working on a particular day in 2014, do you?

23 A. No. I don't even know what your
24 question is. About a particular day in 2014?
25 What does that mean?

1 Q. I mean if Ms. Robinson said she was
2 working on May 1, 2014, you wouldn't be able to
3 say yes or no to that sitting here today?

4 A. Well, one, unless something is
5 described to me to help jog my memory.

6 Q. Right.

7 If Ms. Robinson ended up working on
8 a day that she was supposed to be on vacation,
9 would you treat that as a working day or a
10 vacation day?

11 MR. DROGIN: Objection to the
12 form.

13 I'm going to direct the witness
14 not to answer.

15 I'm going to ask counsel to stick
16 to the topics that he represented to the
17 court that he needed additional time to
18 cover.

19 (Whereupon, the transcript
20 was marked for a direction not to
21 answer.)

22 MR. SANFORD: The court has
23 clearly -- we can go off the record,
24 Laurent, and talk about what the court
25 did and what the court order is and what

1 topics are still out there.

2 The court ordered that we not
3 cover certain topics, which I'm not
4 doing. But that doesn't mean you get to
5 direct not to answer any questions you
6 don't like.

7 MR. DROGIN: Let's find out from
8 the court because you made
9 representations both in your letter and
10 verbally as to what you felt you didn't
11 have time to cover, and you limited it.

12 You said the fraud claim, which
13 is withdrawn. You said communications
14 with the Manhattan District Attorney's
15 Office, which you asked one or two
16 questions.

17 MR. SANFORD: Laurent, Laurent, I
18 don't want to take time in this
19 deposition to do this. Why don't we go
20 off the record and have a conversation.

21 MR. DROGIN: Well, why don't we
22 call the court and we can talk about
23 clarification. I don't want to go off
24 the record because we are going to waste
25 time.

1 MR. SANFORD: It is my
2 deposition, so we're going off the
3 record right now. So let's go off the
4 record. I'm happy to have a
5 conversation with you. You're not going
6 to eat up time in my deposition. You're
7 not doing it.

8 We are going off the record.

9 MR. DROGIN: You are taking up
10 time by going off the record. Let's
11 call the court. We're clearly off the
12 record.

13 MR. SANFORD: You're just talking
14 over me.

15 We're going off the record now.

16 THE VIDEOGRAPHER: The time is
17 12:00 o'clock p.m.

18 We are going off the record.

19 (Whereupon, at 12:00 o'clock
20 p.m., a recess was taken until 12:07
21 o'clock p.m.)

22 THE VIDEOGRAPHER: The time is
23 12:07 p.m.

24 We are back on the record.

25

1 BY MR. SANFORD:

2 Q. All right.

3 Mr. DeNiro, you understand you're
4 still under oath?

5 A. Yes.

6 Q. All right.

7 If Ms. Robinson ended up working on
8 a day that she was supposed to be on vacation,
9 would you treat that as a working day or a
10 vacation day?

11 MR. DROGIN: Objection to the
12 form.

13 A. I would -- if she said it was a
14 vacation day and she is working, I would say
15 "Okay. Then you know what you do. You charge
16 me for the time that you're working."

17 She -- what I have always noticed is
18 that she was always working, always working,
19 doing this, doing that, always kind of
20 intimating to everybody how hard she worked.

21 I said okay. She was charging me.
22 I paid her well. Probably more than I should
23 have, but I said okay.

24 So what can I say? If she tells me
25 she is working or she claims she is working, I

1 take her at her word. I'm not going to say "I
2 don't believe you and I'm not going to pay you."

3 I'm not going to haggle with her.

4 This is the honor system. I trust her. The
5 whole point is you have somebody in her
6 position, you have to trust her.

7 BY MR. SANFORD:

8 Q. So if Ms. Robinson ended up working
9 on a day that she was supposed to be on
10 vacation, you would not require her to use up
11 one of her vacation days, would you?

12 MR. DROGIN: Objection to the
13 form. Objection to the form.

14 Can you define what you mean by
15 working?

16 BY MR. SANFORD:

17 Q. Do you understand the concept of
18 what it means to work, Mr. DeNiro?

19 A. I do. But she claimed a lot of
20 vacation days that she gave up that she was
21 always working. So, I mean, I don't know what
22 she did.

23 Again, I trusted her. She could
24 have done a couple of things and said "I was
25 working today. I gave up my vacation today on

1 top of it, so I'm owed a vacation day."

2 She, to me, as I learned as time
3 went on, finagled a little bit, schemed a
4 little. Okay. You know, even that I will
5 allow.

6 But there is a point where you just
7 are doing too much. You're overreaching too
8 much, taking advantage too much. And you get
9 tired of it. That's all. So that's why I was
10 relieved when she, she resigned.

11 Q. But if she wound up working on a day
12 she was supposed to be on vacation, and working
13 as you understood work to be, you would not
14 require her to --

15 A. She rarely told me that, "Oh, I
16 should be on vacation today, but I'll work now
17 that you asked me to do this or that."

18 I left it up to her totally. She
19 decided her work hours. She decided everything.
20 And I trusted her. Do you understand? Do you
21 understand what that means?

22 Q. Mr. DeNiro -- and I trust you to be
23 faithful to this process and that means --

24 A. Yes, I'm being faithful. I'm
25 answering your question. What more do you want?

1 Q. That means -- well, what I want is
2 for you not to interrupt me. That's really what
3 I want.

4 A. Oh, sorry.

5 Q. No, and you know what, I don't even
6 care if you interrupt me. If we were just out
7 for dinner and you kept interrupting me, I would
8 be okay with that.

9 But here is what I'm not okay with.
10 If you're interrupting me, the court reporter
11 can't get a clear record and we're going to have
12 a mishmash in the record.

13 A. Okay.

14 Q. I'm just trying to do this for the
15 process.

16 Okay.

17 So let me just finish my question.

18 If Ms. Robinson ended up working on
19 a day she was supposed to be on vacation, you
20 would not require her to use up one of her
21 vacation days?

22 MR. DROGIN: Objection to the
23 form.

24 A. I'm sorry. If she said she was
25 working and that it was now -- and was working

1 on her vacation day, as I said, I would say
2 okay, you're the one -- you decide. You tell
3 me. Period.

4 MR. SANFORD: All right.

5 Can we show Exhibit 49?

6 MR. BENNETT: Bob, it is going to
7 be in the chat.

8 THE WITNESS: So what do I do?

9 MR. BENNETT: If you can, on your
10 screen, there should be a way to access
11 the chat and then you'll see a document
12 show up in there.

13 THE WITNESS: I don't know.
14 Which symbol is the chat? Let's see. I
15 don't see it.

16 MR. DROGIN: Here, let's move
17 forward. Here it is.

18 MR. SANFORD: All right.

19 You're screen sharing?

20 MR. DROGIN: Bob, can you see
21 that?

22 THE WITNESS: Yes.

23 BY MR. SANFORD:

24 Q. All right.

25 There you go.

1 Can you just take a look at that and
2 when you're done, let me know and I've got a
3 couple questions.

4 A. Well, I guess this is a bonus for
5 Kaplan, Gillian, I guess. I'm not sure what
6 these are. Lulu.

7 MR. DROGIN: There's no question,
8 actually.

9 A. Yes, I don't know. This is what it
10 looks like it would be, I guess. I don't know.
11 I don't see the bottom of it.

12 BY MR. SANFORD:

13 Q. We have to scroll. Are you
14 scrolling down there?

15 A. Yes, okay.

16 Okay. All right.

17 These look like, I guess, things
18 that would be for Christmas, I guess. It is
19 around that time, so yes. So what do I do?

20 Q. All right.

21 So Exhibit 49, this is Exhibit 49,
22 contains e-mails that you received from
23 Ms. Robinson, correct?

24 MR. BENNETT: Bob, he has only
25 looked at page one. So, Bob, it is an

1 eight-page document. Laurent will flip
2 through the rest of the pages.

3 THE WITNESS: Oh, these are eight
4 pages? Wait a second.

5 MR. SANFORD: Simon, why don't
6 you screen share.

7 Laurent, if you can take yours
8 off, please.

9 MR. DROGIN: Yes, sure thing.

10 MR. SANFORD: So we can better
11 orchestrate this for efficiency. I
12 thought Simon was doing it.

13 BY MR. SANFORD:

14 Q. All right.

15 Now, let's go down. All right.

16 Can you scroll down here?

17 A. Can you slow up now? This is
18 starting to be the pages that I haven't seen.

19 Q. All right.

20 Scroll down because I'm going to ask
21 you questions about it.

22 A. Okay.

23 Scroll down. Let me take a minute.

24 Okay. Keep going.

25 Q. Keep going down. Keep going down.

1 A. Can you slow down a little, please?

2 All right. These are what?

3 Q. And so, it says "Hi, Michael. Below
4 are the bonuses and vacation payback numbers for
5 this year."

6 A. We're going back a couple of years,
7 each one. Now this is 2017.

8 Q. '17.

9 A. Okay. Let me just read this.
10 Sorry.

11 Q. So, let's stop here.

12 You have vacation day payback. What
13 does that term mean, vacation day payback?

14 A. Well, what it means to me is that
15 she wanted payback for days that she worked on
16 her vacation, which I totally believed her on.
17 I had no reason to not believe her. I trusted
18 her.

19 Q. Okay. All right.

20 Keep going down. Keep going down.

21 All right.

22 Did you ever --

23 A. I don't -- I mean --

24 Q. Okay.

25 Generally speaking, these are

1 e-mails that you received from Ms. Robinson at
2 year's end discussing the bonuses and other
3 year-end pay that Canal employees would be
4 receiving, right?

5 A. Uh-hum.

6 Q. Is that yes?

7 A. Say that again, I'm sorry.

8 Q. These are e-mails that you received
9 from Ms. Robinson at the year's end discussing
10 the bonuses and any other year-end pay that
11 Canal employees would be receiving, right?

12 A. Right, right.

13 Q. And before you received these
14 e-mails from Ms. Robinson, you and Ms. Robinson
15 would go over the bonuses and other year-end pay
16 that Canal employees would be receiving, right?
17 You would meet with her to discuss it?

18 A. Yes.

19 Q. And at the end of each year, you and
20 Ms. Robinson would have a phone call or
21 in-person meeting to go over bonuses and
22 vacation payback that Canal employees would be
23 receiving for the year, right?

24 A. Right.

25 Q. Can you describe for me the

1 discussions you and Ms. Robinson would have at
2 the end of each year about the bonuses and
3 vacation payback that Canal employees would be
4 receiving?

5 MR. BENNETT: During a 16-year
6 period of time or what year?

7 BY MR. SANFORD:

8 Q. Generally speaking, to the extent
9 you remember any of the conversations in any
10 year, you can describe that.

11 A. There would just be a conversation
12 about who was getting what for Christmas and
13 bonus, this and that, this and that, and that
14 would be it. And I would say okay, okay. I
15 might question something here and there.

16 Rarely did I question anything. I
17 would said okay, it looks okay to me, and that
18 was it.

19 Q. All right.

20 And during these year-end
21 discussions, Ms. Robinson would walk you through
22 the work she has done through the year during
23 vacations and the holidays, right?

24 MR. DROGIN: Objection to form.

25 A. Well, she would say I did this,

1 these are the days I want, like it shows here.
2 She didn't go into specifics of each day of what
3 I did on this day or that day; that's why I'm
4 entitled, I don't think.

5 I mean, maybe from time to time she
6 might have, saying "Oh, I worked, you know" -- I
7 don't remember.

8 Basically I just said, "Look, if
9 this is what you did and this is what you're
10 telling me you did, then fine. I accept that.
11 I might have a question here and there, but I
12 trust you." Period.

13 BY MR. SANFORD:

14 Q. All right.

15 During these year-end discussions,
16 you and Ms. Robinson would reach an agreement
17 regarding how many unused vacation days she
18 should be paid out for, right?

19 A. Well, sort of.

20 MR. DROGIN: Objection to the
21 form.

22 Go ahead.

23 A. It was even more loose than that.
24 She would say "These are my unpaid vacation
25 days."

1 And I would say "Okay. That's it.

2 All right. I'm taking you at your word."

3 Period.

4 BY MR. SANFORD:

5 Q. Well, during these year-end
6 discussions, you had the opportunity to ask
7 Ms. Robinson any questions you had about her
8 unused vacation days?

9 A. I had the opportunity and I also --
10 in a job like hers, the main thing is that you
11 can trust the person who works for you in such a
12 position because you don't have time to go over
13 a lot of things.

14 It is the No. 1 thing that that
15 person be trusted and -- that simple.
16 Honorable. It is assumed that there's nothing
17 to distrust about them. Period.

18 Q. During Ms. Robinson's employment,
19 you were able to follow up on any --

20 A. It is like -- it is like the
21 military guy that carries the suitcase next to
22 the president walking. You know what I mean?
23 You trust that person. I'm half kidding, but I
24 trust her to do the right thing. Period.

25 Q. During Ms. Robinson's employment,

1 you were able to follow up on any of the
2 information Ms. Robinson provided to you about
3 her unused vacation days?

4 A. I could, I could follow up on it,
5 and if I had to -- if I found there was a
6 discrepancy, of course I would.

7 That's why when she resigned, Tom
8 Harvey went back into looking into the certain
9 things she had claimed and not given back to me
10 and had helped herself to, I guess you could
11 say, and then there was a problem.

12 Q. And turning your attention back to
13 the e-mails in Exhibit 49 on the screen, during
14 Ms. Robinson's employment, did you ever dispute
15 anything that Ms. Robinson wrote in these
16 e-mails?

17 MR. DROGIN: Objection.

18 A. Very little. Again, I would say it
19 goes back to trust. I said look, you say this,
20 I'm not going to call it out unless I feel
21 there's something -- I said, wait a minute. I
22 don't remember. That's not what I was going to
23 do.

24 I needed her total support. I
25 needed to trust her totally. That's the whole

1 point with a position like this. Period.

2 BY MR. SANFORD:

3 Q. And after Ms. Robinson sent these
4 e-mails, did you follow up with her in any way
5 about her vacation days?

6 A. No, I didn't. I again trusted her.
7 I said "This is what you say. This is what I am
8 assuming that you have done. I have no reason
9 not to trust you and say what you say you have
10 done."

11 Q. And if you had disagreed with
12 anything in this Exhibit 49 in these e-mails,
13 you could have directed your accountant not to
14 issue payments, right?

15 A. I could have done that, but I don't
16 get into that kind of minutia type thing. We
17 have worked it out. I trust her. She is in
18 that position, and when she tells me something
19 like that, I expect that it is going to be
20 honorable. It is going to be just. It is going
21 to be right. She is going to do the right
22 thing. I can trust her. Again, back to trust.
23 It is built into the relationship.

24 Q. When Ms. Robinson wrote in 2015 that
25 she had used one vacation day, you were aware

1 that Ms. Robinson had traveled outside of New
2 York that year, right?

3 A. Uh-hum.

4 Q. Is that a "yes"?

5 A. Yes, she had traveled. I don't know
6 what you're trying to say or what you were
7 trying to ask.

8 Q. Well, you were aware that
9 Ms. Robinson had performed work for you when she
10 had been away from New York that year, right?

11 A. Again, I always trusted that she is
12 going out. She's working for me. She's doing
13 things that even though she is out of the city,
14 she is working for me. I don't know, unless
15 you're saying she wanted to work in Spain or
16 London or in California.

17 So basically she -- whatever days
18 she took off were up to her. She knew the time
19 she had to work for me was basically the
20 weekdays. If she did something on the
21 weekend -- however she did it, I trusted her. I
22 said "Okay, you tell me."

23 Q. All right.

24 Likewise, when Ms. Robinson wrote in
25 2014 that she had used three vacation days, you

1 were aware that Ms. Robinson had traveled
2 outside of New York that year, right?

3 A. I don't know what you're asking. So
4 she went outside of New York. So what? She
5 went outside supposedly to work for me.

6 Q. And you were aware that Ms. Robinson
7 had, in fact, performed work for you when she
8 had been away from New York that year; is that
9 right?

10 A. There were times when she said she
11 was going on vacation, and she sent me
12 photographs of an inn she went to, as I say,
13 outside of London and that was a vacation. She
14 didn't work for me, as far as I remember, on
15 those days. She sent me pictures where she was,
16 but that was it.

17 I don't know whether she charged me
18 for those days. She could have. I don't know.
19 Again, it is the trust factor. I just assumed
20 that she is doing what she should be doing. She
21 should be charging me when she is working,
22 telling me when she is not working or that she
23 is working on a day that she shouldn't be
24 working and, therefore, I should be paid for it.
25 That's all.

1 I don't even ask her that sometimes.
2 I trust her inherently to do the right thing.
3 Period.

4 Q. Right.

5 And so, you trusted her when she
6 told you she was working on certain days, you
7 trusted, in fact, that she was working on those
8 days?

9 A. I took her at her word, yes.

10 MR. DROGIN: Objection to the
11 form.

12 Go ahead.

13 BY MR. SANFORD:

14 Q. Is that yes, Mr. DeNiro?

15 A. I took her at her word.

16 Q. And you have no reason to believe
17 and you never had any reason to believe that she
18 lied about working when she said she was
19 working, correct?

20 MR. DROGIN: Objection to the
21 form.

22 A. Listen, only she knows that. I
23 can't say. Whether she lied or not is her
24 business. Even if she fudged it on a day, I
25 said "You say it; I honor it." Period.

1 BY MR. SANFORD:

2 Q. And so, likewise, when Ms. Robinson
3 wrote in 2016 that she had used zero vacation
4 days, you were aware that Ms. Robinson had
5 traveled outside of New York that year, right?

6 A. Of course I was aware. If she went
7 out, she went out. She told me. I don't know
8 what the question is.

9 Q. All right.

10 And you were aware that Ms. Robinson
11 had performed work for you when she had been
12 away from New York that year, right?

13 A. What year are we talking about?

14 Q. 2016.

15 A. If she is away and she is working
16 and she has to be working for me -- she is away.
17 I don't know where she was that time;
18 California, Spain, England, wherever.

19 Q. I'm just saying when she said she
20 was working, you have no reason to doubt it?

21 A. No, I have no reason to doubt.

22 Q. Okay.

23 And when Ms. Robinson wrote in 2017
24 that she had used zero vacation days, you were
25 aware that Ms. Robinson had traveled outside of

1 New York that year, right?

2 A. Yes, I'm always aware she is out. I
3 don't understand what the question is.

4 Q. Well, you were aware that
5 Ms. Robinson had performed work for you when she
6 had been away from New York that year?

7 A. She was always claiming to work for
8 me when she was away. She asked if she could go
9 away and she could do the work just as well from
10 overseas or in California as if she would be at
11 my house or at my office. So I said okay.

12 Q. And likewise, you had no reason to
13 doubt her when she claimed that she was working
14 during the times that she was outside of New
15 York?

16 A. No, I had no reason to doubt her.
17 Again, the honor system.

18 Q. And when Ms. Robinson wrote in 2018
19 that she had used zero vacation days, you were
20 aware that Ms. Robinson had traveled outside of
21 New York that year, right?

22 A. I'm not understanding what you're
23 saying. Of course I am aware she has traveled
24 outside.

25 Q. Okay.

1 And you were aware that Ms. Robinson
2 had performed work for you when she had been
3 away from New York in 2018?

4 A. Yes, but she is going away, doing
5 stuff. I'm taking her at her word. Is there a
6 day or two or here or there that she does
7 something for herself and it is not work?
8 That's okay. She just has to discern what is
9 work and what isn't, even if it is broken up in
10 a day. I don't know that.

11 Again, it goes back to my taking her
12 at her word. So she traveled. She asked me if
13 she could. I said "Okay, as long as you can do
14 the work you can do for me."

15 She says now "I took zero days off."
16 So she went over there and worked. I'm taking
17 her at her word she worked every day and never
18 took a vacation though she was in a place that
19 is kind of a working vacation. But I accepted
20 that.

21 I said "Fine, you know, go over
22 there. Just as long as I get what I need from
23 you, I'm fine," even though, you know, it is a
24 little -- you could question it.

25 But I wasn't questioning it. I was

1 not. I just said "If you have to go there to do
2 it, fine. And you tell me what the working
3 hours are." Period.

4 Q. And you had no reason to believe
5 that when she claimed she was, in fact, working
6 in 2018 outside of New York, that she was, in
7 fact, working? You had no reason to doubt her?

8 A. No, I had no reason not to believe
9 her at all. Yes.

10 Q. Okay.

11 A. Again, the trust factor.

12 MR. SANFORD: Yes, we're sharing
13 a document with you in the chat that's
14 Bates stamped ROBINSON 9966 to 9967.
15 This is Exhibit 139.

16 So do we have that up on the
17 screen share, Simon? Yes, we do.

18 All right. Good.

19 Can you make that bigger so we
20 all can see? I don't know about
21 Mr. DeNiro's eyes but ...

22 THE WITNESS: Yes, I can see it.

23 (Document bearing Bates
24 stamp ROBINSON 9966 through 9967 was
25 marked as Plaintiff's Exhibit 139

1 for identification, as of this
2 date.)

3 BY MR. SANFORD:

4 Q. Okay. All right.

5 A. So what are you saying on this?

6 Q. Let's scroll down so you have an
7 opportunity to see what it is.

8 A. Yes, I see, yes.

9 Q. And what is this document marked as
10 Plaintiff's Exhibit 139?

11 A. Well, again, she is claiming she
12 used zero of 23 vacation days. Again, I take
13 her at her word.

14 MR. SANFORD: Okay.

15 All right. We can take that
16 down.

17 BY MR. SANFORD:

18 Q. When Ms. Robinson accused you of
19 discrimination and other violations of
20 employment laws, did that break your trust?

21 A. It doesn't break my trust. It just
22 makes me wonder because it seems like it is a
23 way of claiming something that is really not, as
24 far as I'm concerned, the case.

25 And I know you have interviewed

1 other employees of mine and so on, and I don't
2 think any of them would ever say -- would go
3 along with what she is claiming because I just,
4 you know -- what can I say? I'm not -- I don't
5 know.

6 Q. So when Ms. Robinson accused you of
7 discrimination it made you angry, right?

8 A. Yes, right. She accused me of --
9 well, it would make me angry. If I did get
10 angry if she accused me of discrimination. I
11 personally think that she has mental -- I don't
12 want to go so far as to say mental issues, but
13 she has psychological issues and a sense of
14 entitlement and a blown-up sense of self that
15 makes her feel that she has been put upon in
16 some way and, therefore, she feels that she is
17 kind of like a victim.

18 And, I'm sorry, she wasn't a victim.
19 She victimized a lot of the other employees
20 because they resented her and overstepped.

21 But again, my fault. I apologized
22 to them for not keeping my eyes open to that
23 situation, and I hope to never have that again
24 ever with an employee.

25 Q. When Ms. Robinson accused you of

1 discrimination and other violations of
2 employment laws, did that cross a line for you?

3 A. Well, yes, it would cross a line
4 because it is not true.

5 Q. Are you aware of any aspects of
6 Canal's investigation into Ms. Robinson that
7 Canal employee Michael Kaplan was not involved
8 with?

9 MR. DROGIN: Objection to the
10 form.

11 A. I'm not, I'm not clear what you're
12 asking.

13 BY MR. SANFORD:

14 Q. Was Michael Kaplan involved in all
15 aspects of Canal's investigation into
16 Ms. Robinson, to your knowledge?

17 A. I don't know that. I don't have
18 that answer.

19 Q. Was Sabrina Weeks-Brittan involved
20 in all aspects of Canal's investigation into
21 Ms. Robinson?

22 A. Well, she was asked to find stuff
23 and go through all the e-mails and stuff like
24 that, as far as I know.

25 And Sabrina is quite, quite a

1 special person and very thorough. She doesn't
2 ask for much. She does things and she is good.

3 Q. So, to your knowledge, Sabrina
4 Weeks-Brittan was involved in all aspects of the
5 investigation?

6 A. Well, you say involved. They asked
7 her to look up things. Since they worked for
8 the company, she was the person who would be
9 asked to do that.

10 Q. And was Gillian Spear also involved
11 in all aspects of Ms. Robinson's investigation?

12 A. She could have been involved.

13 Q. Just so we're clear on the record,
14 was Gillian Spear involved in all aspects of the
15 investigation?

16 A. I don't know all aspects. I don't
17 know that. But she could have been enlisted to
18 look up old e-mails that needed to be found,
19 yes.

20 Q. Do you know how it came to be that
21 Canal employees, Kaplan and Spear and
22 Weeks-Brittan came to review all of the charges
23 on the Canal American Express in Ms. Robinson's
24 name?

25 MR. DROGIN: Objection to the

1 form.

2 A. Well, what's wrong with that? If
3 I'm being accused of something by her -- she has
4 stolen from me. I am going to enlist their
5 services, they work for me, to find out and to
6 comb through all the e-mails and present them to
7 my lawyers so they can look for what they should
8 be looking for that. What's wrong with that?

9 BY MR. SANFORD:

10 Q. I'm not making any comment about
11 right or wrong.

12 A. I don't know what's wrong with that.

13 Q. I'm just asking questions.

14 So, did you direct them to review --
15 did you direct Kaplan and Spear and
16 Weeks-Brittan to review all of the charges on
17 the American Express --

18 Mr. DeNiro, just for the record, I'm
19 sorry, we just have to keep a clean record.

20 Did you direct Kaplan and Spear and
21 Weeks-Brittan to review all the charges on the
22 Canal American Express in Ms. Robinson's name?

23 MR. DROGIN: Objection.

24 Objection to the form.

25 Go ahead.

1 A. My attorneys enlisted their services
2 because they're the people that know. I'm not
3 going to go through every e-mail. But they
4 will, and that's what they do. And they sent --
5 some of those e-mails are sent by them. They're
6 involved. They're the people who should be
7 looking through them and giving us what we need.
8 BY MR. SANFORD:

9 Q. As part of Canal's investigation
10 into Ms. Robinson, no one communicated with you
11 to determine what work Ms. Robinson was doing
12 for Canal at the time of each credit card
13 charge, right?

14 MR. DROGIN: Objection to the
15 form.

16 A. Say that again.

17 MR. DROGIN: Objection to the
18 form.

19 BY MR. SANFORD:

20 Q. As part of Canal's investigation
21 into Ms. Robinson, no one communicated with you
22 to determine what work Ms. Robinson was doing
23 for Canal at the time of each credit card
24 charge, right?

25 MR. DROGIN: Same objection.

1 BY MR. SANFORD:

2 Q. The idea is that there is a credit
3 card charge and there's work that is being done
4 by Ms. Robinson, and my question relates to the
5 work and the credit card charge, right.

6 No one communicated with you to
7 determine what work, if any, Ms. Robinson was
8 doing with respect to any given credit card
9 charge. You didn't have conversations about
10 that, did you?

11 A. Well, no, I wouldn't. Again, if
12 Chase Robinson had done this and said this is
13 what she is doing it for, I would say, "Okay, I
14 take you at your word."

15 Q. And you didn't have conversations
16 with anyone about what work, if anything -- if
17 any work, Ms. Robinson was doing on her vacation
18 days, correct?

19 MR. DROGIN: Objection to the
20 form.

21 A. Can you ask that again? I'm sorry,
22 I don't understand.

23 BY MR. SANFORD:

24 Q. Did you talk to anyone at all about
25 whether or not Ms. Robinson was working on

1 vacation days when Ms. Robinson said she was
2 working on vacation days?

3 A. No, I wasn't -- if you're saying was
4 I checking up on her to see if she was telling
5 the truth about that, no. No.

6 Again, I trusted Chase Robinson,
7 what she said. You say it, I'm okay with it.

8 Q. And you didn't talk to anyone about
9 the work Ms. Robinson was doing during the
10 so-called binge watching of Netflix, right?

11 A. Say that again.

12 Q. You allege that Ms. Robinson was
13 binge watching Netflix.

14 A. Well, that's what I heard. That's
15 what I heard, yes.

16 Q. Who did you hear that from?

17 A. I forget who told me. Somehow it
18 came out. Maybe it was on the records that she
19 had watched all this stuff that came out in some
20 of the account stuff and maybe that account --
21 whatever it was, maybe I paid for that.

22 So I -- so they were making me aware
23 that you paid for 20 hours or 15 hours or
24 whatever she did watching that show.

25 Look, I'll even go so far as to say

1 maybe she was watching the show while she was
2 doing work for me. What can I say? But there
3 are other things that she did much worse than
4 that. That's whatever it is.

5 My point is get the job done, do
6 whatever you want. You can jump from building
7 to building around the city. As long as you get
8 the work done for me, fine.

9 Q. Did you speak with anyone about what
10 travel you authorized Ms. Robinson to take in
11 2019?

12 A. I didn't speak to other people in
13 the office about it.

14 Q. As part of Canal's investigation
15 into Ms. Robinson, what information did you
16 provide concerning Ms. Robinson's trip to
17 Los Angeles in March of 2018?

18 A. I didn't have the information.
19 She -- in the paper trail and the credit card
20 stuff and all that, the information was
21 documented. I didn't have any information.

22 I'm just -- again, I'm working on
23 trust. She is taking care of all that stuff,
24 and the other kids in the office, but basically
25 her. She is the point person. So I'm relying

1 on her to tell the truth. Period.

2 Q. Did Canal employee Michael Kaplan
3 ever steal from Canal?

4 A. I'm not sure.

5 Q. Did Michael Kaplan ever engage in
6 any financial wrongdoing at Canal?

7 A. I don't know that.

8 Q. Were there any allegations that
9 Mr. Kaplan engaged in financial wrongdoing?

10 A. I have -- there were like thoughts,
11 but I don't really know. I could never prove it
12 and I don't know.

13 Q. Who had the thoughts?

14 A. What?

15 Q. Who thought it?

16 A. I thought it.

17 Q. Why did you think it?

18 A. I just felt with he and Chase, there
19 was some gray areas of stuff that I wasn't sure.
20 I was never given a straight answer even by
21 them, and I just -- you know, fine.

22 Q. Did anyone ever raise concerns about
23 what they did?

24 A. Only they know what they did and
25 what they did or didn't get away with. I don't

1 know that. Everything is fine but, you know, I
2 don't know.

3 Q. Did anyone ever raise concerns about
4 Michael Kaplan's financial wrongdoing to you?

5 A. It was thought of mainly by me. I
6 was, I was just concerned.

7 Q. And why were you concerned? What
8 gave rise to a concern for you? What happened?

9 A. I don't know. I just was not -- I
10 just was not -- I just -- I don't know why.
11 Michael has always not done things the way I was
12 most happy with. He was good in some areas and
13 not in others. Took his time.

14 Again, he was another person that I
15 trusted. He didn't always do when I needed it
16 or how I needed it, and after a while I just got
17 tired of that.

18 Q. When you say it was mainly by you,
19 who else had concerns about Mr. Kaplan?

20 MR. DROGIN: Objection to the
21 form.

22 Can we talk about a time period?

23 BY MR. SANFORD:

24 Q. At any time during Mr. Kaplan's
25 employ at Canal.

1 A. Well, we had -- my girlfriend
2 Tiffany had a question about that. She thought
3 there were some things -- she looked at things
4 and felt that there was -- she said, "Well, you
5 know, I'm not sure, but I'm wondering about
6 this."

7 Q. What did Tiffany, your girlfriend,
8 look at to give rise to concerns?

9 A. I forget what sort of things he was
10 supposed to do and then said well, if you were
11 supposed to do this, why didn't you do this or
12 somehow things don't add up.

13 Q. Was there an allegation that
14 Mr. Kaplan, for example, was dipping into the
15 petty cash?

16 A. I wouldn't go so far as to say that.
17 I can't say that.

18 Q. And was there any investigation that
19 you or anyone conducted into these allegations
20 about wrongdoing by Mr. Kaplan?

21 MR. DROGIN: Objection to the
22 form.

23 You can answer.

24 A. Listen, that I won't know about.
25 You know, I don't know. I don't even know with

1 Chase what certain liberties were taken. But,
2 you know --

3 BY MR. SANFORD:

4 Q. I'm just talking about
5 investigations. I'm not talking about
6 liberties.

7 Was there any investigation, to your
8 knowledge, into allegations of wrongdoing by
9 Mr. Kaplan?

10 A. I don't know if there was an
11 investigation, if it went that far. I don't
12 think he was the target of any investigation.
13 Just a general looking at everything and asking.

14 But there was never, as far as I
15 know, anything like that.

16 Q. Besides conversations you had with
17 Tiffany about Mr. Kaplan's wrongdoing, did you
18 have conversations with anyone else about
19 Mr. Kaplan?

20 MR. DROGIN: Objection to the
21 form.

22 Can you read the question back,
23 please?

24 BY MR. SANFORD:

25 Q. Yes, sorry. That was -- let me be

1 as clear as I can be. Thank you.

2 Did you speak with anyone else
3 besides Tiffany about allegations of wrongdoing
4 relating to Mr. Kaplan?

5 A. I spoke to -- possibly I spoke to
6 Michael Tasch about it and Tom Harvey and said,
7 you know, if there was ever any wrongdoing, all
8 I want to know is what happened, what it was.
9 I'm not going to do anything. I just want to
10 know the truth and that's it.

11 I never got -- I never got an answer
12 or straight answer or anything. So that was
13 that. I said okay.

14 Q. You asked them to find out what went
15 on and you never got a straight answer?

16 A. I never really got a clear answer,
17 no.

18 Q. Were you satisfied with that?

19 A. No, not really.

20 Q. What did you do about it?

21 A. Nothing, really.

22 Q. To your knowledge, did anyone at
23 Canal attempt to identify the period of time
24 when Mr. Kaplan engaged in financial wrongdoing?

25 MR. DROGIN: Objection to the

1 form of the question.

2 A. No, I don't, I don't know.

3 BY MR. SANFORD:

4 Q. Did anyone at Canal attempt to
5 calculate the total amount that Mr. Kaplan
6 improperly obtained from Canal?

7 MR. DROGIN: Objection to the
8 form.

9 This is absolutely absurd. This
10 is not what --

11 MR. SANFORD: I'm moving on. I
12 just wanted to get an answer. You
13 interrupted the witness. So, you can
14 lodge your objection, but please let the
15 witness answer.

16 MR. DROGIN: There's no
17 foundation for your questions. And
18 you're attempting to imply wrongdoing
19 when the witness hasn't indicated there
20 is any. So you're just making stuff up
21 now.

22 You can try to use, this, you can
23 try to use this in your motion all you
24 want, but it is a completely
25 inappropriate line of questioning

1 because there's no foundation. You're
2 putting words in the witness's mouth
3 when he's not putting it forward.

4 MR. SANFORD: I'm asking
5 Mr. DeNiro a question.

6 Let's share a document with
7 Mr. DeNiro in the chat that's Bates
8 stamped CANAL 48784 to 48787, and we
9 have previously identified this document
10 as Plaintiff's Exhibit 99.

11 For the record, this is a May 18,
12 2019 text conversation between Tiffany
13 Chen and Robert DeNiro.

14 And let's go to page 4. Can you
15 bring that up?

16 BY MR. SANFORD:

17 Q. Can you read that, Mr. DeNiro?

18 A. Yes, I can read it.

19 Q. Okay.

20 Let me know when you're done,
21 Mr. DeNiro, if you would.

22 A. Okay.

23 Who is this from?

24 Q. All right.

25 Well, do you recognize this

1 document?

2 A. I don't, but that doesn't mean that
3 I didn't read it at the time, so...

4 MR. SANFORD: All right.

5 So Mr. DeNiro can see the chain
6 who is this from, can you go up to
7 identify that so we're clear?

8 BY MR. SANFORD:

9 Q. [REDACTED]

10 A. Okay.

11 Q. -- so whose number is that?

12 A. That's Tiffany's.

13 Q. All right.

14 So this is Tiffany Chen to you,
15 correct?

16 A. Yes.

17 Q. All right.

18 And so, if we could go back to the
19 document and highlight the bottom part starting
20 with "I know he has been dipping into the petty
21 cash."

22 A. Uh-hum.

23 Q. Just doing this to refresh your
24 recollection about the issue.

25 What type of expenses did Mr. Kaplan

1 improperly charge to Canal, to your knowledge?

2 A. I'm not sure. I'm not sure.

3 Q. And do you know, had Michael Kaplan
4 been taking money from petty cash for personal
5 use? Does this refresh your recollection?

6 A. I don't know specifically, but I
7 know he had charged petty cash. So there was,
8 you know, some thought, well, what's happening
9 with that?

10 This is all a gray area that I
11 didn't -- again, if people are doing the right
12 thing, even if they're doing something that's
13 not quite a hundred percent kosher, I'll let it
14 slide.

15 Do something here -- you buy
16 something for yourself or lunch or do certain
17 things -- if you're outright stealing, that's a
18 problem.

19 I could never determine that. I was
20 never sure. I was never sure whether people
21 were helping themselves. I just was not -- I
22 didn't know. I never got anything from anyone
23 that could corroborate that. So it is where it
24 was.

25 Q. All right.

1 MR. SANFORD: We're sharing a
2 document with you in the chat that's
3 Bates stamped CANAL 48805 to 48807.

4 What exhibit is this, Simon, do
5 we know?

6 MR. SCHAITKIN: This will be 140.

7 (Document bearing Bates
8 stamp CANAL 48805 through 48807 was
9 marked as Plaintiff's Exhibit 140
10 for identification, as of this
11 date.)

12 MR. SANFORD: All right.

13 Exhibit 140.

14 BY MR. SANFORD:

15 Q. And this is, you know, again, a text
16 conversation between Tiffany and you.

17 Can we corroborate that with the
18 number there, Mr. DeNiro?

19 A. Okay. Yes.

20 Q. Is that right, a text between
21 Tiffany Chen and you?

22 A. Yes.

23 Q. And if we can go down to page 3, if
24 we can highlight the section where Tiffany
25 writes at 7:23 p.m. "I'm looking over the petty

1 cash. It's very off. He is one hundred percent
2 not at all honest with what's going on here."

3 Do you remember that e-mail?

4 A. I don't -- I remember somewhat. It
5 is not unfamiliar to me.

6 Q. And this is Tiffany Chen writing to
7 you about problems with the petty cash and
8 Kaplan, correct?

9 A. Uh-hum, yes.

10 MR. DROGIN: Objection to the
11 form.

12 BY MR. SANFORD:

13 Q. And do you remember how you
14 responded to that e-mail?

15 A. I don't remember how I responded.
16 Do you have the response from me?

17 Q. I don't believe we do. I'm not
18 sure. But I'm not trying to trick you here.
19 I'm just asking. I don't believe you --

20 MR. DROGIN: You are. Can you
21 lay a foundation that she is talking
22 about him and not Chase since this is
23 when the investigation was going on?

24 MR. SANFORD: Well, let's do
25 that. I mean, what are we talking about

1 here? Are we talking about Kaplan or
2 anyone else?

3 BY MR. SANFORD:

4 Q. You understand this is about Michael
5 Kaplan, correct?

6 MR. DROGIN: Objection to the
7 form.

8 A. Yes.

9 BY MR. SANFORD:

10 Q. I'm sorry?

11 A. I said yes.

12 Q. Yes. Okay. All right.

13 Let's go to CANAL 4 -- we're going
14 to use this backup document just to make things
15 clear, CANAL 47972 to 47974.

16 And let's take a look at the number
17 there, Tiffany Chen. This is a message from
18 Tiffany Chen. This is Sabrina Weeks. So this
19 is a text conversation between Tiffany Chen and
20 Sabrina Weeks-Brittan.

21 Do you see that, Mr. DeNiro?

22 A. I don't. Yes, I see the numbers,
23 but I don't see any text or any e-mail.

24 Q. Let's go down and look at the text.

25 A. Yes.

1 Q. Let's scroll down. I just want to
2 make sure you can see the document, the whole
3 document.

4 A. Yes.

5 Q. Keep going down. Keep going down.

6 A. Hold on. Wait.

7 Q. I'm sorry. I'm sorry.

8 A. Go back a little further if you
9 could. Yes. Sorry.

10 Okay.

11 Q. And go down.

12 All right.

13 A. Let me finish. I'm sorry.

14 Q. Sure.

15 Go ahead and let me know when you're
16 done.

17 A. Yes.

18 Q. Does this refresh your memory a
19 little bit about what was going on with
20 Mr. Kaplan?

21 A. Yes.

22 Q. All right.

23 And having had a chance to read this
24 document, what are your thoughts?

25 A. I don't know. I still don't know.

1 Q. You don't know, you don't know what
2 to think?

3 A. I don't know what to think, no.

4 Q. Okay.

5 MR. SANFORD: If we can look at
6 CANAL 48009 to 48011.

7 MR. SCHAITKIN: This is Exhibit
8 142, and the previous exhibit is 141.

9 (Document bearing Bates
10 stamp CANAL 47972 through 47974 was
11 marked as Plaintiff's Exhibit 141
12 for identification, as of this
13 date.)

14 (Document bearing Bates
15 stamp CANAL 48009 through 48011 was
16 marked as Plaintiff's Exhibit 142
17 for identification, as of this
18 date.)

19 BY MR. SANFORD:

20 Q. This is a text exchange between
21 Tiffany Chen and Sabrina Weeks-Brittan, correct,
22 Mr. DeNiro?

23 A. Yes.

24 Q. Okay.

25 If we can go down and take a look at

1 it. If you can highlight that, "Kap has
2 actually admitted to cashing in on vacation
3 days" from Tiffany.

4 Do you see where Tiffany writes "Kap
5 has actually admitted to cashing in on vacation
6 days, claiming he has never taken a vacation,
7 just like Chase for the past few years"?

8 A. Uh-hum.

9 Q. Do you see that?

10 A. Yes.

11 Q. 7/10/2019 at 11:10 p.m.

12 A. Yes.

13 Q. What are your thoughts on that, if
14 any?

15 A. It is interesting.

16 Q. Why do you find it interesting?

17 A. You know why I find it interesting.
18 Because it is interesting. It is something that
19 I have not gotten a clear answer on.

20 Q. Well, that doesn't make it
21 interesting. I mean, what makes it interesting?

22 A. Well, because it might not have
23 been --

24 MR. DROGIN: Objection to the
25 form.

1 A. It is interesting because I would be
2 very disappointed if Kap had done the things
3 that Chase had done. And he might have and I
4 don't know that and I can't prove anything, so
5 that's it.

6 BY MR. SANFORD:

7 Q. Did, to your knowledge, Michael
8 Kaplan ever mismanage Canal's money?

9 A. I don't know. Again, it is the
10 trust factor. I don't -- I expect people to do
11 the right thing and that's it.

12 Q. Let's look at CANAL 49768. This is
13 an e-mail from Tiffany Chen, Friday, June 7,
14 2019 at 4:18 p.m. to Michael Tasch, Harvey and
15 cc'ing Bobby.

16 That would be you, correct,
17 Mr. DeNiro?

18 A. I'm sorry, I don't see that.

19 Q. You don't see that cc'ing Bobby?
20 You see on the top right there?

21 A. Okay.

22 Q. And that would be you?

23 A. I guess, yes.

24 Q. All right.

25 So let's take a look at this

1 document.

2 MR. SANFORD: You can scroll down
3 a little bit. There you go.

4 All right.

5 MR. SCHAITKIN: This is
6 Exhibit 143.

7 (Document bearing Bates
8 stamp CANAL 49768 through 49773 was
9 marked as Plaintiff's Exhibit 143
10 for identification, as of this
11 date.)

12 BY MR. SANFORD:

13 Q. Exhibit 143, all right.

14 A. Okay.

15 Q. Keep going down.

16 Okay.

17 I don't want to take up too much
18 time because this is a long document, but based
19 on what you have read thus far, do you have any
20 reaction, any thoughts at all?

21 A. Hold on. Let me finish it.

22 Q. Okay.

23 Go ahead.

24 A. Hold on, hold on. Don't go any
25 further. Don't move it, please. Let me finish

1 it.

2 Who is this e-mail from?

3 Q. Well, we have an exchange between --

4 A. With Kaplan. Okay.

5 Let me -- okay. Can I just go back?

6 Q. I'm going to draw your attention to
7 a couple of points.

8 A. Okay.

9 Q. Can we highlight the section that
10 says "Kaplan's answers are an impetus to change
11 the combinations on the safe in the office so
12 that only Sabrina and Gillian have access."

13 Do you see that?

14 A. Yes.

15 Q. Do you have any thoughts about that
16 at all? I'm just going to ask you open
17 questions here. Any thoughts at all?

18 A. No, other than, okay, that's what we
19 should do.

20 Q. Okay.

21 Do you think it is a good idea to do
22 that?

23 A. I did.

24 Q. Why?

25 A. Just to be safe.

1 Q. Safe from what?

2 A. From any -- just to make sure
3 nothing, nothing unkosher happens.

4 Q. Because you were concerned about
5 things being unkosher?

6 A. Possibly.

7 MR. SANFORD: Okay.

8 Can we highlight the section
9 about a very clear accounting on what
10 he's spending on, that quote? Can we
11 find that?

12 MR. SCHAITKIN: David, that's in
13 another document. Would you like me to
14 open that document?

15 MR. SANFORD: Oh, I'm sorry. We
16 haven't gotten to that one yet.

17 All right. Let's do that. Let's
18 go down to 48017 to 48019, a May 17,
19 2019 text exchange between Tiffany Chen,
20 Gillian Spear and Sabrina Weeks-Brittan.

21 BY MR. SANFORD:

22 Q. You see this document and you see
23 Sabrina Weeks-Brittan, Tiffany Chen and Gillian
24 Spear.

25 Do you see that, Mr. DeNiro?

1 A. Yes.

2 Q. There you go, the text exchange.

3 A. Yes.

4 Q. All right.

5 And on page 2, at 10:34 a.m. on
6 May 17, 2019, Tiffany Chen suggests that Sabrina
7 should oversee the handling of petty cash and
8 have Michael Kaplan give her a, quote "a very
9 clear accounting on what he is spending on."

10 Do you see that?

11 A. Okay. Uh-hum.

12 Q. Do you have any thoughts about that
13 at all?

14 A. I think that was okay.

15 Q. Why do you think it was okay to do?

16 A. Because I wanted it that way.

17 Q. Because you had doubts about
18 Mr. Kaplan?

19 A. I wasn't sure, but, you know --

20 Q. Was Mr. Kaplan ever required to
21 provide an accounting on what he had spent money
22 on?

23 A. Again, it goes back to full trust.
24 You do, you do what you say you're doing and
25 that's it.

1 Q. But you stopped trusting him here so
2 --

3 A. Yes, I did.

4 Q. Right.

5 So once -- right. So once you
6 stopped trusting him, did you ever expect him to
7 give a clear accounting on what he's spending
8 on?

9 A. I guess so. I mean, I just -- I
10 said let me just stop this and that's it.

11 Q. Did he ever give you an accounting
12 on what he was spending?

13 A. Can I ask you what is this about?
14 What does it have to do with Chase?

15 Q. I get to ask the questions. I'm
16 just asking a simple question; which is, did he
17 ever give you an accounting on what he was
18 spending on?

19 MR. DROGIN: Objection to the
20 form.

21 A. I'm not even sure. He gave an
22 accounting, but I just was not, I was not sure.

23 BY MR. SANFORD:

24 Q. You were not sure of what?

25 A. I was not sure what was going on. I

1 was starting to get a little worried.

2 Q. Did Michael Kaplan ever return any
3 money or property to Canal, to your knowledge?

4 A. No, I don't know if he did.

5 Q. Did anyone ever ask Michael Kaplan
6 to return any money or property to Canal or --
7 property to Canal, to your knowledge?

8 A. That's, that's for my lawyers. I
9 don't think he was asked to.

10 Q. Canal never filed a lawsuit against
11 Michael Kaplan, right?

12 A. No.

13 Q. Why not?

14 A. I don't know. Because we couldn't
15 prove anything. We couldn't find anything. It
16 was a very gray area. Nobody did anything.
17 There was nothing that I could do. Not that I
18 was looking, but I was curious. I just wanted
19 to know what was going on, if anything was going
20 on.

21 Q. Well, Canal never brought concerns
22 against Michael Kaplan to criminal prosecutors,
23 did it?

24 MR. DROGIN: Objection to the
25 form.

1 A. No.

2 BY MR. SANFORD:

3 Q. And Michael Kaplan never accused
4 Canal or you of violating any employment laws,
5 right?

6 A. No.

7 Q. Was Robin Chambers accused of
8 wrongdoing at any point?

9 A. Not officially in any way. There
10 was some question. Again, like with her and
11 Kap, but that was it.

12 Q. What types of wrongdoing did
13 Ms. Chambers engage in, to your knowledge?

14 A. I don't know. My feeling is that it
15 never went anywhere and so I left it. I have a
16 relationship with Robin Chambers. She has done
17 things for me for many years. So, you know --

18 Q. Do you think she ever bamboozled
19 you?

20 A. I can't say for sure. I don't know
21 whether people interpret it as just saying well,
22 let me just here and there something was taken.
23 Sometimes I don't even mind that. It depends on
24 what it is. It is a gray area.

25 Q. Did anyone ever identify concerns

1 about Ms. Chambers to you?

2 MR. DROGIN: Objection to the
3 form.

4 A. Well, Tiffany did about her too,
5 yes.

6 BY MR. SANFORD:

7 Q. And what kind of concerns did
8 Tiffany raise?

9 A. There was something about payment or
10 this or that, that I guess are in these e-mails
11 too or somewhere.

12 Q. Was there concern about spending on
13 dog care and taking Ubers and --

14 A. There could have been, yes, yes.

15 Q. Did anyone at Canal attempt to
16 identify the period of time when Ms. Chambers
17 engaged in financial wrongdoing?

18 A. No. Not that I know of.

19 Q. Why not?

20 A. I don't think they saw that there
21 was anything.

22 Q. Do you know that?

23 MR. DROGIN: Objection to the
24 form.

25 A. Yes, I mean, my -- Tom and Tasch and

1 everybody would have said if there was something
2 that they felt they should look into and we just
3 never went there.

4 BY MR. SANFORD:

5 Q. So, to your knowledge, no one at
6 Canal ever attempted to calculate the total
7 amount that Ms. Chambers improperly obtained
8 from Canal, right?

9 MR. DROGIN: Objection to the
10 form.

11 A. Because I don't know whether she
12 did.

13 MR. DROGIN: Thank you.

14 BY MR. SANFORD:

15 Q. Did Robin Chambers ever return any
16 money or property to Canal?

17 A. She wasn't accused of doing
18 anything. It was never a clear issue and I to
19 this day don't know that.

20 Q. So no one ever asked Robin Chambers
21 to return any money or property to Canal?

22 MR. DROGIN: Objection to the
23 form.

24 A. No, there wasn't anything that we
25 could find that she should return.

1 BY MR. SANFORD:

2 Q. So, therefore, Canal never filed a
3 lawsuit against Robin Chambers, right?

4 A. No, they didn't have what -- they
5 had no evidence, if you will, like there was
6 against Chase Robinson.

7 Q. And so, Canal never brought concerns
8 against Robin Chambers to criminal prosecutors,
9 right?

10 A. No, they didn't have to.

11 Q. Robin Chambers never accused Canal
12 or you of violating any employment laws, did
13 she?

14 A. No, she didn't.

15 Q. Did you and Ms. Chen hold a meeting
16 with Mr. Kaplan and Ms. Chambers to discuss the
17 wrongdoing you ever accused them of?

18 MR. DROGIN: Objection to the
19 form.

20 A. Yes, we did.

21 BY MR. SANFORD:

22 Q. And when did that meeting occur?

23 A. It was -- I can't remember exactly.

24 Q. Who was present at the meeting?

25 A. Me, Tiffany, Robin, Michael. I

1 don't know if anybody else -- if Tasch or Mark
2 Berdon.

3 Q. And, to the best of your
4 recollection, what was said at that meeting?

5 A. There were certain things that
6 Tiffany felt that they were doing, and they were
7 saying no, they didn't, and we left it at that.

8 Q. What did Tiffany say at the meeting
9 that they were doing that was improper?

10 A. It might have been related to some
11 of the stuff we just have seen in the e-mails,
12 but I can't remember specifically at this point.
13 She just felt there were things that were
14 unanswered and questionable. But again, you
15 know --

16 Q. Did you speak at the meeting?

17 A. I could have. I can't remember.

18 Q. Did Mr. Kaplan have a chance to give
19 his side of the story during the meeting?

20 A. In a way he did.

21 Q. And did Ms. Chambers have a chance
22 to give her side of the story at the meeting?

23 A. Yes, in a way she did too.

24 Q. After Ms. Robinson's employment
25 ended, she asked to meet with you, correct?

1 A. I don't remember.

2 Q. Well, you remember -- you remember
3 that you never did meet with her after
4 Ms. Robinson resigned, right?

5 A. I don't think I did meet with her.
6 There was no reason to.

7 Q. Well, one reason might have been
8 that Ms. Robinson could have given you her side
9 of the story, right?

10 A. Come on.

11 MR. DROGIN: Objection to the
12 form.

13 A. Come on. She always had a story.
14 She always had an angle and yet she taped
15 people, recorded their conversations. Come on.
16 BY MR. SANFORD:

17 Q. So you never provided Ms. Robinson
18 with a chance to give her side of the story,
19 right?

20 A. Give me a break.

21 Q. Is that fair to say? Yes or no?

22 MR. DROGIN: Objection to the
23 form.

24 A. That's -- I didn't not give her a
25 chance. She had many chances. She did what she

1 did. Period.

2 This is kind of disgusting the way
3 you finagle it and twist it and fuck it around.
4 You can do that, but I'm telling you, Chase
5 Robinson did things that she shouldn't have done
6 and we all know that and that's all I can say.

7 BY MR. SANFORD:

8 Q. So you never gave Ms. Robinson an
9 opportunity to tell her side of the story?

10 A. She never wanted an opportunity.
11 You know the opportunity, she sent me a letter.
12 You sign this or else. Basically, that's what
13 it was. Sign this letter to the London School
14 of Economics or else.

15 It could have been used for any job
16 application, and I knew that. I was not going
17 to sign that letter.

18 And then things started happening
19 because she tried to shake me down. And you
20 know that. Shame on you. I think you're
21 probably a good lawyer, but I don't understand
22 this. It is pretty kind of, you know -- but go
23 ahead. Fire away. Ask me what you want to ask.

24 Q. Sitting here today, after years of
25 litigation and years of history, do you even

1 know Ms. Robinson's side of the story?

2 A. Come on. She -- everybody has a
3 story and everybody has their reasons. And she
4 had hers, but they were not in line with mine or
5 my family or anybody. They were in line with
6 her. She was out to get me.

7 And I treated her very fairly.
8 That's all I can say. And you know it.

9 Q. So you do know or you don't know her
10 side of the story?

11 A. After all these months she has given
12 her side of the story.

13 MR. DROGIN: Objection to the
14 form. Hold on. Can you just clarify
15 what story?

16 A. Yes, what is her side?

17 MR. DROGIN: What story are you
18 talking about?

19 BY MR. SANFORD:

20 Q. Well, any aspect of her employment
21 that's in question in this litigation.

22 Do you understand what her side is?
23 Have you read her Complaint? Have you read
24 deposition transcripts? Do you understand what
25 she is trying to communicate?

1 A. I understand that she feels she's
2 been wronged. She is trying to make a case. As
3 I said, if she had done the right thing from the
4 beginning, we wouldn't be here.

5 I did nothing to her but trust her
6 to do the right thing. I gave her a lot of
7 power. More than I ever should have. She
8 abused it.

9 I'm sorry. I have nothing else to
10 say. This whole proceeding is what she wants to
11 say about it. And if there was anything that
12 was valid, I would give her credit for it. And
13 I give her credit for certain things; finding
14 Sabrina, finding certain people who work for me.

15 But she is making her statement.
16 Her side of her story is what you're presenting
17 right now. And all it is, is coming at me to
18 try and make a case that I discriminated against
19 her in some way, which is a lot of nonsense.
20 But go ahead.

21 Q. When you approved Ms. Robinson
22 taking a trip, did you place any limitations on
23 what class she could fly?

24 A. I expected -- well, I didn't expect
25 her to fly first class. And she might have.

1 Because I might not have been looking.

2 Q. Well, you approved business class
3 travel for her; didn't you?

4 A. Fine. I could have approved
5 business class.

6 Q. And when you approved Ms. Robinson
7 taking a work trip, did you place any
8 limitations on what type of hotel she could stay
9 in?

10 A. She knew that she couldn't stay in a
11 \$1,000 night setup. That she knew. Though she
12 has done that in LA, I hear from my lawyers.

13 Q. How does she know that?

14 A. How did I know it?

15 Q. No, you said she knew that she
16 couldn't stay in a \$1,000 a night hotel.

17 A. Common sense. You work for me.
18 Certain things you don't abuse the privilege of
19 my trust.

20 Q. There's no written policy about a
21 \$1,000 hotel?

22 A. Now you're being technical. That's
23 common sense. Would your like daughter, if you
24 have a daughter to act the way Chase acted?

25 Q. I have a daughter.

1 A. Would you have a little advice for
2 your daughter? "Don't do what Chase Robinson
3 did. I'm a lawyer. I'm representing her, but
4 don't do that. Let me tell you on the side, me
5 and you, honey."

6 Okay.

7 Q. So there's no, so there's no written
8 policy about \$1,000 --

9 A. This is a lot of bullshit. No,
10 there's no written policy. No, the policy is
11 trust. Trust.

12 Q. And you never communicated to
13 Ms. Robinson in any way orally or in writing
14 that she couldn't stay in a \$1,000 hotel?

15 A. She knew she couldn't do that and
16 abuse that. She knew it.

17 Q. How did she know it?

18 A. I don't have to tell her. And maybe
19 I did tell her. Maybe I said, you know, stay in
20 a -- that's part of working for the situation
21 she was in. Trust. You do the right thing.

22 Sabrina would not do that. Sabrina
23 would know. And if she had anything, she would
24 ask me. She would never dare do that.

25 Q. When Ms. Robinson took a work trip

1 for Canal, Canal would pay for her travel, her
2 lodging, and food expenses on the trip, right?

3 A. What?

4 Q. When Ms. Robinson took a work trip
5 for Canal, Canal would pay for her --

6 A. Listen, I trusted her to do the
7 work --

8 MR. DROGIN: It is just a "yes"
9 or "no" question.

10 A. Yes.

11 MR. DROGIN: Factually, is that
12 correct?

13 A. Expenses were paid with common
14 sense. That's the job. You understand that you
15 were supposed to behave responsibly, not abuse
16 the privilege.

17 MR. DROGIN: No, the question
18 is -- the question is simple. He's
19 simply asking that if she took a
20 work-related trip, those types of
21 expenses would be paid just as a matter
22 of fact.

23 A. No, not those type. Reasonable
24 expenses would be paid. Reasonable expenses
25 would be paid.

1 BY MR. SANFORD:

2 Q. All right.

3 And did you ever discuss with
4 Ms. Robinson what you understood to be
5 reasonable?

6 A. I might have, but she is smart
7 enough to know what's reasonable.

8 Q. But sitting here today, you don't
9 recall --

10 A. No, no, no, that's nonsense. You
11 know that. That's nonsense. I trust you, you
12 use common sense. If you come back with a huge
13 bill, you come back after taking all my air
14 miles or after taking Ubers when you shouldn't
15 have or spending money at Paola's when you
16 shouldn't have, I'm going to see this after the
17 fact and say "You know what, I trusted you and
18 look what you did."

19 That's how I work. I don't have to
20 spell it out for her. If I had to spell it out
21 for her, she shouldn't be working for me. But
22 she created the idea that she was trustworthy
23 and she wasn't.

24 Q. Do you recall asking Ms. Robinson to
25 travel back early from a trip to London in

1 February 2019 to assist with items for your
2 townhouse?

3 A. I don't remember that. Oh now she's
4 saying that I made her come back from London
5 from work to come here to my townhouse to help
6 me do stuff which she should do. Give me a
7 break.

8 What's the question?

9 Q. Do you recall Ms. Robinson speaking
10 to you about returning to London around April of
11 2019?

12 A. That's about the time she gave me
13 her resignation.

14 Q. Before then obviously, but --

15 A. That was about the time because if
16 that was the time, that was when I was starting
17 to get fed up with her behavior. She said she
18 had stuff to do.

19 I'm trying to accommodate her going
20 back to London to go to work for me when I need
21 stuff in New York, and I was starting to be a
22 little -- starting to get a little agitated;
23 started to feel I'm being taken advantage of.

24 Q. All right.

25 Ms. Robinson sought your approval to

1 return to London around --

2 A. And I gave it to her.

3 Q. Okay.

4 A. Because I like to do the things for
5 people who work for me especially to be right
6 because I wanted them to be happy. I don't want
7 to be abused. I don't want to be taken
8 advantage of.

9 Q. And in 2019, you were going to be
10 shooting a film called The Comeback Trail,
11 right?

12 A. Yes, I guess it was.

13 Q. And do you recall Ms. Robinson
14 speaking to you about traveling to London
15 sometime between May and July of 2019 when you
16 were expected to be on set shooting The Comeback
17 Trail?

18 A. I don't remember. Whatever, I
19 guess. Who knows.

20 Q. Well, you were planning -- the film
21 was going to be shot out of New York, right?

22 A. Yes.

23 Q. And so, do you remember approving
24 Ms. Robinson's plan to travel to London between
25 say around May and July of 2019 while you were

1 on set?

2 A. What's the point? What are you
3 asking? I'm not understanding what you are
4 asking.

5 Q. You approved Ms. Robinson being out
6 of New York while you were shooting a film?

7 A. I could have, yes. I could have.

8 Q. And you didn't ask Ms. Robinson for
9 the details about how many sky miles the trip to
10 London would cost, right?

11 A. I trusted her.

12 Q. So, is that a "no"?

13 A. T-r-u-s-t. Trust.

14 Q. Is that a "no"?

15 A. Do you have an assistant who you
16 trust?

17 MR. DROGIN: It is just a simple
18 "yes" or "no" question.

19 MR. SANFORD: Thank you, Laurent.

20 BY MR. SANFORD:

21 Q. Sometimes your attorney and I are
22 all on the same page.

23 A. Well, that's nice. That's nice to
24 hear.

25 Q. It is a nice thing, right?

1 A. He's not in my position. Even my
2 attorney is not in my position being asked, as
3 far as I'm concerned, idiotic questions, but go
4 ahead.

5 Q. All right.

6 Well, I'm asking a simple "yes" or
7 "no" to my question.

8 A. It is more complicated than that. I
9 said it is trust.

10 Q. Well, I understand you said that.
11 Now that you said that, can you answer my
12 question?

13 Which is, you didn't ask
14 Ms. Robinson for the details about how many sky
15 miles the trip to London would cost?

16 A. I didn't have to. I didn't have to.
17 That's up to her to say, listen, I take so many
18 sky miles to go to London. That's what I do. I
19 do it honorably, and I take so many to come
20 back. Period. So in that sense, I say yes.

21 Q. Do you recall Ms. Robinson speaking
22 to you about a friend's wedding that she wanted
23 to go to that would take place in Los Angeles in
24 June 2019?

25 A. Somewhere I remember that, yes.

1 Q. And in February 2019, Ms. Robinson
2 sought your approval to travel to her friend's
3 wedding that would take place in June of 2019,
4 right?

5 A. Uh-hum.

6 Q. Is that a "yes"?

7 A. So what are you saying? That I said
8 yes, she should go to that wedding? Probably I
9 did.

10 Q. Did you approve --

11 A. I didn't have to. I could have said
12 I'm not going to pay for you to go to that
13 wedding. She went on air miles, yes.

14 Q. And you didn't ask Ms. Robinson for
15 the details about how many sky miles --

16 A. No.

17 Q. -- to Los Angeles would cost?

18 A. No. Trust. Trust.

19 Q. Do you recall Ms. Robinson speaking
20 to you about wanting to take a trip to London
21 and Scotland in the summer of 2019?

22 MR. DROGIN: Objection.

23 Objection to the form. I think there's
24 just an ambiguity as to the dates.

25 You're talking about when she asked?

1 MR. SANFORD: Okay.

2 Thank you. I'll try to be
3 clearer.

4 BY MR. SANFORD:

5 Q. Do you recall, Mr. DeNiro, speaking
6 with Ms. Robinson at any time about her wanting
7 to take a trip to London and Scotland, a trip
8 that was going to be in the summer of 2019?

9 A. I could have, yes.

10 Q. Okay.

11 And do you remember Ms. Robinson
12 explaining to you that she wanted to visit
13 family on the Isle of Lewis?

14 A. She might have.

15 Q. And Ms. Robinson sought your
16 approval in advance to take a trip to London and
17 Scotland in the summer of 2019, didn't she?

18 A. Could have been. What is it, she
19 was going for vacation or she was asking me to
20 pay for it?

21 Q. Well, you didn't ask Ms. Robinson
22 for the details about how many sky miles the
23 trip to London and Scotland would cost, right?

24 A. No, I didn't. I didn't. I left it
25 up to her to determine that. That's her job.

1 To do it honorably.

2 Q. Other than you and Ms. Robinson, did
3 anyone participate in the conversations that you
4 and Ms. Robinson had about her travel using sky
5 miles in 2019?

6 A. No, there was no reason to talk to
7 anybody else unless there were things being done
8 that were untoward, which happened and I found
9 out later.

10 Q. And other than you and Ms. Robinson,
11 did anyone participate in the conversations that
12 you and Ms. Robinson had about her travel more
13 generally in 2019?

14 A. No. Maybe I should have talked to
15 other people like Sabrina and other people to
16 find out what's going on, but I didn't. I
17 trusted her. Period.

18 Q. Did you communicate with anyone
19 besides Ms. Robinson and Robin Chambers about
20 the trip that Ms. Robinson took to Los Angeles
21 in March of 2019?

22 A. I didn't have to. Trust. In
23 hindsight, I should have said even to Tom Harvey
24 or Michael Tasch, "This is what she is doing.
25 Can you check this out for me? I'm not sure."

1 But I trusted her.

2 Q. But you were bamboozled, weren't
3 you?

4 A. I was bamboozled, yes.

5 Q. We're sharing a document with you in
6 the chat that's Bates stamped ROBINSON 1347 to
7 1349.

8 MR. SCHAITKIN: This is
9 Exhibit 145, and the previous one was
10 144.

11 (Document bearing Bates
12 stamp CANAL 48017 through 48019 was
13 marked as Plaintiff's Exhibit 144
14 for identification, as of this
15 date.)

16 (Document bearing Bates
17 stamp ROBINSON 1347 through 1349 was
18 marked as Plaintiff's Exhibit 145
19 for identification, as of this
20 date.)

21 MR. SANFORD: Let's scroll down a
22 little bit.

23 A. Listen --

24 MR. DROGIN: Wait a second.
25 There's no question.

1 THE WITNESS: Yes.

2 MR. SANFORD: You can scroll
3 down.

4 A. Wait, wait. Sorry, you're going too
5 fast.

6 Okay. You can go up more.

7 Okay. Sorry. Maybe scroll down a
8 little so I can see the last -- good.

9 Okay. You can go up. Okay. Not
10 too far. Not too far. Okay.

11 Can you scroll up? Good. Okay.
12 Okay. Okay.

13 Hold on. Hold on. Let me see.

14 Okay. Slow down. Yes, okay. Okay. Okay.

15 Okay. Okay.

16 MR. SANFORD: Okay.

17 Can we go back up and highlight
18 the section where Chase Robinson writes
19 to Mr. DeNiro "It has been pretty
20 obvious for a while that there is an
21 issue with me working for you."

22 BY MR. SANFORD:

23 Q. All right.

24 Do you recall this e-mail chain?

25 MR. SANFORD: This is marked as

1 Plaintiff's what, Simon? What exhibit?

2 MR. SCHAITKIN: This is 145.

3 BY MR. SANFORD:

4 Q. So Plaintiff's Exhibit 145, you've
5 had a chance to look at the e-mail chain.

6 Do you recall this e-mail chain,
7 Mr. DeNiro?

8 A. Somewhat.

9 Q. Okay.

10 Do you see where Chase Robinson
11 writes to you "It has been pretty obvious for a
12 while that there is an issue with me working for
13 you. And I've tried really hard without
14 bothering you to get out of the middle and out
15 of your home and get back to my job. It's not
16 working."

17 That's the first part of that e-mail
18 to you.

19 What was your reaction when you
20 received this e-mail from Ms. Robinson?

21 A. I, I, you know -- again, if she had
22 just done the job and done what Tiffany had
23 asked and been part of the team, there would
24 have been no problem.

25 But she was doing things and acting

1 a certain way that were creating problems --
2 that was creating problems. She says one thing
3 and she does another and she says another and
4 she does this.

5 She is working for me. This is what
6 she had to do. I wasn't a slave driver. I
7 wasn't anything. She was helping me with
8 getting my place fixed up, and now it is not
9 working.

10 It is not working because now I have
11 a girlfriend and she is not happy about that and
12 she doesn't want to take any orders from anybody
13 else. So that is the problem. So -- but she is
14 claiming that she was asked to do things that
15 she was not supposed to be doing; that she is
16 the executive or whatever the titles were that
17 she coerced me into giving which have no meaning
18 whatsoever. And I was trying to be nice to her
19 and go along with it, and finally I did. It
20 made no sense.

21 Now she is leaving because she's not
22 happy because she feels she's being
23 disrespected. But maybe she was just being
24 called out a little bit for the nonsense because
25 she shouldn't have been taking any of this

1 personally. She should have said let me jump in
2 and help get the job done. But, no, she didn't.

3 Q. And you were bamboozled into giving
4 her the title that she wanted?

5 A. Absolutely bamboozled, yes, I was.
6 I was coerced. I said, "Look, it is very
7 simple. When you move on to another job, I talk
8 to the people. I tell them what I think about."
9 You don't need all these titles. They don't
10 need anything.

11 That's my fault. I gave her the
12 titles. I allowed them. She created them.
13 They were nonsense. That's my fault. I gave
14 her more money so she would stay through
15 Christmas. Maybe I should have said, look,
16 maybe it is time to call it off.

17 But this is all nonsense because
18 this -- she along this whole way was planning to
19 do exactly what she is doing now, whether
20 Tiffany came into the picture or anybody. She
21 was planning a backup program in case it didn't
22 work out.

23 And she certainly was helping to
24 make it not work out, but I hung in there with
25 her and wouldn't fire her or anything. She

1 finally did.

2 And then, the final thing is when
3 she says -- gives me a letter to sign. I'm not
4 going to sign a letter like that. I couldn't
5 sign a letter like that that she could use
6 anywhere and she works for somebody else and
7 pulls the same thing she pulls on me and then
8 I'm responsible to those people.

9 They say "What happened? You
10 recommended her." I can't do that. I gave her
11 every opportunity, every chance, everything. I
12 do it with everybody who works for me. Just
13 talk to any of the other people who work in my
14 office.

15 Q. So you agreed with Ms. Robinson's
16 statement that there was an issue with her
17 working there?

18 A. Well, she made it an issue. It
19 would have been just yes, let me do it. You
20 know, the most she could say, "I'm uncomfortable
21 maybe with something." I don't know. Can I
22 do -- I said, "Okay, I got it. Let's try to
23 work together but let's try to do what we ask
24 you to do, even what Tiffany is asking. Don't
25 make it an ego thing with her. You're not in

1 that position. You're my assistant, not my
2 girlfriend. You're not anybody but my
3 assistant. You work for me. You are a
4 professional, supposedly. You do your work
5 professionally."

6 Q. You didn't provide Ms. Robinson with
7 any options that would get her out of your home?

8 A. Really? I didn't provide her with
9 any options? Maybe you should ask the other
10 people in my office.

11 Q. What options did you provide?

12 A. She had many options, but to say she
13 worked for me there -- and that was okay. There
14 was nothing wrong with what she was doing.

15 And she keeps making it like she is
16 a victim, she was put upon. That's a lot of
17 nonsense.

18 Q. What were the options you gave her?

19 A. She could have -- I didn't give
20 her -- she could have said to me, look, you
21 know, I want to do this or that. I wasn't
22 stopping her. Even if she said "Maybe I'll go
23 to the office more and do that," I would have
24 said, "Okay, we'll find it. But I do need this,
25 so what do we do? Let's get somebody else."

1 And we had people who she
2 recommended, like Rachel and Lulu, and then
3 Sabrina came and helped with some things and
4 there was no problem. Come on.

5 Q. After you received this e-mail,
6 March 27, 2019 e-mail from Ms. Robinson --

7 A. Yes, she was getting ready to quit.

8 Q. -- did you ever speak with
9 Ms. Robinson to discuss her concerns afterwards?

10 A. We might have. But, you know what?
11 With her, to be honest, it was double talk. It
12 was not going her way. She's self absorbed. I
13 would say narcissistic and feeling entitled.
14 And I think she got on the wrong track and
15 thought she was going to get some position of
16 importance that she just didn't get because she
17 didn't know how to get it.

18 But if she just did her job, she
19 would be where she should be. I didn't do
20 anything to her except help her and just be
21 supportive and paid her enough and gave her the
22 titles. I didn't know what else to do.

23 I can't, I can't help her with her
24 feeling like she is a victim. That's not --
25 that's not for me. I mean, I have things I

1 need. And she is my assistant; my first
2 assistant, my personal assistant. I don't know
3 what else I could have done.

4 Q. So let's share a document with you
5 in the chat that's Bates stamped ROBINSON 1533,
6 which is an April 2, 2019 e-mail from Chase
7 Robinson to Mr. DeNiro.

8 MR. SCHAITKIN: This is
9 Exhibit 146.

10 (Document bearing Bates
11 stamp ROBINSON 1533 was marked as
12 Plaintiff's Exhibit 146 for
13 identification, as of this date.)

14 BY MR. SANFORD:

15 Q. All right.

16 Let's take a look --

17 MR. LOCKMAN: David, it looks
18 like we lost Allie. Maybe we can take a
19 quick break or see if she can reconnect.

20 MR. SANFORD: Let's see what's
21 happening with her.

22 Let's take a break while you have
23 an opportunity to take a look at this
24 document, Mr. DeNiro.

25 THE VIDEOGRAPHER: Okay.

1 The time is 1:36 p.m. We are
2 going off the record.

3 (Whereupon, at 1:36 o'clock
4 p.m., a recess was taken until 1:50
5 o'clock p.m.)

6 THE VIDEOGRAPHER: The time is
7 1:50 p.m.

8 We are back on the record.

9 BY MR. SANFORD:

10 Q. All right.

11 Mr. DeNiro, you understand you're
12 still under oath?

13 A. Yes.

14 Q. All right.

15 If Ms. Robinson was traveling
16 somewhere on a trip that you directed her to
17 take, she was authorized to be reimbursed for
18 her transportation, lodging and food on that
19 work trip, right?

20 A. Yes, if it is a work trip. And,
21 again, it is up to her to responsibly determine
22 what she should pay for certain things. That's
23 all.

24 Q. Do you believe that Ms. Robinson
25 should be ordered to pay back any of the bonuses

1 you paid her during her employment?

2 A. I don't -- I don't care about that.
3 Let's move on. You know, let her enjoy whatever
4 bonuses I gave her. Good luck, you know.
5 Period.

6 Q. All right.

7 During Ms. Robinson's employment,
8 you could have told her that she couldn't use
9 sky miles but you didn't do that, right?

10 A. No, she brought it up to me to use
11 sky miles and I said, "Okay. That sounds good.
12 We can use the sky miles from American Express."

13 And the only time I questioned
14 anything about it, I said one of my kids was
15 saying they wanted to use sky miles and they
16 felt that they were being usurped or something.
17 I don't know whether it was a competitive thing
18 or they just felt that they looked into it
19 through somebody else in the office or Chase
20 said there was so much left. They said we don't
21 have sky miles.

22 And I said "Well, wait a minute. I
23 said, Chase, I want to make sure we have enough
24 for the kids." And I forget what her answer
25 was.

1 And then, of course, later she said
2 "Look, there's a lot of sky miles." This is
3 like a year later -- sky miles that I should put
4 into my thing in case I need it and so on.

5 And I said, "Well, if you think
6 that's what you should do, go ahead." Again,
7 trust.

8 Q. Let's go back to Exhibit 49 for a
9 minute.

10 MR. SANFORD: And once you have
11 that up, Simon, let me know.

12 MR. SCHAITKIN: It is on the
13 screen.

14 MR. SANFORD: Okay. Good.

15 BY MR. SANFORD:

16 Q. So my question, Mr. DeNiro, is you
17 authorized that Ms. Robinson be paid for all
18 unused vacation days that she identified in
19 these e-mails before you in Exhibit 49, right?

20 MR. DROGIN: Objection to the
21 form.

22 A. If she asked me to do it and I
23 looked at it, then I would have done it. I
24 said, you know, yes.

25

1 BY MR. SANFORD:

2 Q. Approximately how many conversations
3 do you remember having with Ms. Robinson in 2019
4 about her upcoming travel for the calendar year
5 2019?

6 A. I don't know. She just made me
7 aware she was going to go to London. And so,
8 that was something she was planning, and I
9 didn't oppose it. I don't know if I asked much
10 about it. I forget, if anything, and that was
11 it.

12 Q. And with respect to those
13 conversations you had with Ms. Robinson in 2019
14 about her travel in 2019, you didn't ask her
15 details about how many sky miles she would need
16 to transfer for the trip she was planning, did
17 you?

18 A. No, I don't ask. I just -- again,
19 trust.

20 Q. And is it fair to say you don't
21 remember the details of the conversations you
22 had with Ms. Robinson about her travel in 2019?

23 A. I mean --

24 MR. DROGIN: Objection to the
25 form.

1 A. Vaguely. I mean, I remember that
2 she asked or she said "Look, I want to go and I
3 said okay. You know, that's fine, as long as it
4 is done. I don't even have to say it, as long
5 as you do it responsibly."

6 Could I have said that one time,
7 maybe. But, you know, it is just like we know
8 what it is. Just do the right thing. Period.

9 BY MR. SANFORD:

10 Q. All right.

11 Is there anything else you remember
12 about those conversations you had with
13 Ms. Robinson about her travel in 2019?

14 A. Not, not offhand, no.

15 Q. Thinking back to your conversations
16 directly with Ms. Robinson, tell me everything
17 you remember saying and everything Ms. Robinson
18 said about the trip she took to Los Angeles in
19 March of 2018.

20 MR. DROGIN: Objection. We have
21 been over this. We're going backwards.

22 MR. SANFORD: It is the last
23 question I have on this topic, Laurent.

24 A. I didn't ask her anything.

25 MR. DROGIN: Can you read the

1 question back?

2 MR. SANFORD: Sure.

3 MR. DROGIN: Tell me everything
4 you remember.

5 BY MR. SANFORD:

6 Q. Well, thinking back to the
7 conversations you had with Ms. Robinson, I'm
8 asking if you can tell me everything you
9 remember about what you said to her and what she
10 said to you about the trip she took to
11 Los Angeles in March of 2018.

12 MR. DROGIN: Objection to the
13 form.

14 A. I don't remember much. That was the
15 trip to California. For what reason was she
16 going then?

17 BY MR. SANFORD:

18 Q. So you don't remember much.
19 All right.

20 MR. DROGIN: Objection to the
21 form.

22 BY MR. SANFORD:

23 Q. So let's share a document with you
24 in the chat. It is Bates stamped CANAL 46701,
25 which is an April 6, 2019 e-mail from Tiffany

1 Chen to Rachel Humphreys, copying you,
2 Mr. DeNiro. Let's take a look at that.

3 MR. SCHAITKIN: This is
4 Exhibit 147.

5 A. Can you scroll? Is there any more?
6 Okay. That's good. Thanks.

7 MR. SCHAITKIN: I misspoke, this
8 was previously identified as Plaintiff's
9 Exhibit 91.

10 A. Now, who is this to?

11 BY MR. SANFORD:

12 Q. This is an e-mail from Tiffany Chen
13 to Rachel Humphreys, copying you.

14 A. And Rachel was the -- I think she
15 was the interior designer that was a friend of
16 Chase's, who wasn't a friend of Chase's.

17 Q. Okay.

18 Do you see where she writes "Bob and
19 I would like to inform you" --

20 MR. SANFORD: Where do we have
21 that? Can you highlight that, Simon?

22 All right.

23 A. Okay. What's the date on that?

24 BY MR. SANFORD:

25 Q. April 6, 2019.

1 A. When did Chase resign?

2 Q. Well, it was after that, wasn't it?

3 A. It was right after that on that day.

4 MR. DROGIN: Correct.

5 BY MR. SANFORD:

6 Q. Do you recognize this document?

7 A. Yes, I read it.

8 Q. All right.

9 What is the document?

10 A. What is it?

11 Q. Yes.

12 A. It is basically saying that we're
13 not to work with Chase anymore. Listen, Tiffany
14 tried to be nice to her. She kept complaining,
15 you know, "Look, I do this. I'm feeling" --

16 I said "Chase, she is a little --
17 you know, she is a little annoying. She gets,
18 you know, bossy and stuff. It is just the way
19 she is. Let it go."

20 And she kept saying "Well, she does
21 this now; she does that. And I'm saying just
22 tolerate it, please, you know."

23 And so, finally it just hit a point
24 where it was just no longer able to be -- no
25 longer viable, if you will.

1 Q. Did you approve of Ms. Chen sending
2 this e-mail?

3 A. She sent it. I didn't disapprove of
4 it.

5 Q. Did you know she was going to send
6 it?

7 A. I don't remember that. This wasn't
8 meaning that Chase was fired by any means. This
9 meant that she would not work on the project.
10 It just went another direction. It is not
11 working, so we do other things.

12 Q. Well, what exactly prompted you to
13 decide that Ms. Robinson was no longer involved
14 in any of the projects?

15 A. There were not -- not just this
16 thing. Because it was too -- she was doing
17 things for Tiffany, not cooperating, not doing
18 this, not just doing what she was asked.

19 Tiffany gets along with people. She
20 is easy. She has fun. This was like not
21 working. It just, you know -- there was too
22 much stress for Tiffany. Eventually Tiffany was
23 saying, "Wait a minute. I'm not doing anything
24 but I'm getting a lot of resistance from her.
25 She's not nice to me. She's dismissive," blah,

1 blah, blah.

2 What am I going to do? I don't want
3 to see this kind of situation, but it happens.

4 And then, Chase by all means took it
5 where she took it. But, you know --

6 Q. Was it true that you didn't want
7 anything to be discussed with Ms. Robinson after
8 April 6, 2019, as it says --

9 A. About the house. We had other
10 things to do. It wasn't just the house. She
11 would not be involved in the house anymore.
12 That's all.

13 Q. So what did you understand
14 Ms. Robinson's job responsibilities to be going
15 forward after April 6, 2019?

16 MR. DROGIN: Objection to the
17 form.

18 A. Everything with the office. There's
19 always stuff in relation to the office. Just
20 things I can't think of off the top of my head,
21 but there was always stuff and that -- what was
22 I going to say?

23 Yes, it was just, there was
24 always -- there were always things to be done.
25 It just shifted. And it shouldn't have been, it

1 shouldn't have been a real problem. I wanted
2 her there. She brought her friend Rachel in.
3 She was part of the project, and now it is
4 becoming difficult. I just had no idea this
5 would happen.

6 So, you know, what am I going to do?
7 She could have easily have been very cooperative
8 with Tiffany and done things with me and the
9 three of us could have worked.

10 Could it have been -- she was
11 obviously possessive about things, territorial,
12 and that became an issue. Ad instead of being
13 respectful to the situation, she was not. And
14 disrespectful of anything. Who needed this?

15 But I didn't -- I said fine. It got
16 to that point, we'll do other stuff. I wasn't
17 in any way thinking of firing her.

18 BY MR. SANFORD:

19 Q. At any point since Ms. Robinson's
20 employment ended, have you ever provided
21 Ms. Robinson with a written recommendation?

22 A. No, we never got to that point.

23 Q. At any point since Ms. Robinson's
24 employment ended, have you provided Ms. Robinson
25 with an oral recommendation?

1 A. No, it wasn't necessary.

2 Q. Well, has anyone called you to
3 inquire about Ms. Robinson for a recommendation?

4 A. No, no one has ever called me, had
5 ever called me.

6 Q. Has anyone ever called anyone on
7 your staff, to your knowledge, about
8 Ms. Robinson?

9 A. That, I wouldn't know. That's
10 something else.

11 Q. Bottom line is you haven't offered
12 to write a recommendation for Ms. Robinson,
13 right?

14 A. Well, you know, I wasn't -- I was,
15 you know -- she was a little -- you know, if she
16 had written a letter to a prospective employer
17 that made sense, I would have said okay. I
18 would have talked to her about it. I would have
19 said well, okay, I just want to change this or
20 that and I want to talk to that person because I
21 do -- I would want to give them the full
22 picture, not just in a letter, because it is my
23 responsibility to make sure whoever Chase goes
24 to, since she worked for me for 11 years, that
25 that person gets the proper picture of who would

1 be working for them so they can't say to me,
2 "Well, you didn't tell me this or that."

3 So things change no matter how good
4 a recommendation you give somebody.

5 Q. Well, that wouldn't be known as a
6 recommendation, would it?

7 A. Yes, it would. Yes, it would.

8 Q. But you wouldn't be recommending her
9 for the job. You would be doing the opposite,
10 wouldn't you?

11 A. No, I was just saying what her
12 qualifications, what her strong points are and
13 the other ones just to be aware of. That's all.
14 That's my responsibility.

15 Q. Yes, about you have alleged in this
16 case that Ms. Robinson stole from you. So would
17 you say to a prospective --

18 A. I'm talking about before I learned
19 that she stole from me.

20 MR. DROGIN: Your question didn't
21 narrow it down to time. You just asked
22 an open-ended question.

23 BY MR. SANFORD:

24 Q. All right.

25 So before -- so before, you know,

1 all of this blew up, you would have given
2 Ms. Robinson a recommendation.

3 What would be the strong points you
4 would have said to a prospective employer?

5 MR. DROGIN: Objection.

6 Objection to the form.

7 A. Well, I would have said she takes
8 care of business. She tries to be thorough.
9 She is conscientious about what she does in what
10 I could see. She had strong points about
11 things.

12 She had found an e-mail that someone
13 who I knew wrote that kind of falsified
14 something, and she found a letter or two that
15 detected that this -- the falsification and the
16 root of it, if you will. And so, that kind of
17 stuff she was good at.

18 She had good points. I think she
19 just had other points that are not -- she was
20 envious. She wanted other people's positions.
21 She was always finding criticisms of other
22 people who worked for me for decades and not
23 sensitive to their situation or position.

24 And I think she was ambitious in the
25 wrong place. Not in what I had. I had people

1 who -- if you want to say loyal or worked with
2 me for years. And they weren't -- and they're
3 not -- and, you know, there was a way that we
4 did things.

5 And she was trying to find faults
6 with a lot of things; with my partner, with my
7 accountants, and even -- I would let her look
8 here and there. You know, it was -- I thought
9 maybe she has a point. I just trusted her.

10 And then, look, she was not what she
11 cracked herself up to be. She did disappointing
12 things. Not so much in the job, but after
13 learning all these other things that she did. I
14 mean, while she was on the job, in the job, it
15 was okay.

16 I was annoyed with her about certain
17 things. If she had done certain things right, I
18 don't think she would have quit or she would
19 have -- I would have written a recommendation
20 letter but one that would have been accurate and
21 not bullshit and a positive thing.

22 But she did things that I cannot --
23 in all fairness, I can't -- I can't endorse
24 certain things and I can't -- I can't have the
25 person I recommend her to because there would be

1 somebody who, you know, would expect me to --
2 they're taking my word for it. I have a
3 responsibility.

4 MR. SANFORD: Could I ask the
5 court reporter to read back my question,
6 please.

7 (Record read.)

8 A. I said she's efficient in certain
9 ways, technologically with computers and all
10 that. She follows through on certain things.

11 I don't like that she was recording
12 my conversations, Robin Chambers' conversations,
13 Tom Harvey's conversations. That's not right.
14 You don't do that.

15 And when that comes to light, you
16 know, people are not going to think highly of
17 you that you would go that route, you know.
18 Period.

19 So she did things she shouldn't have
20 done. If she was on the up and up, she would
21 have just done the right thing.

22 BY MR. SANFORD:

23 Q. So, Mr. DeNiro, since your last
24 deposition the last time we were together, have
25 you testified in any matter?

1 A. Sorry?

2 Q. Have you testified in any matter
3 since we were last together?

4 A. Testified how, you mean?

5 Q. Well, have you been deposed in
6 connection with your [REDACTED]
7 proceeding?

8 A. Very -- very little. A little bit
9 but not much.

10 Q. When did that happen?

11 A. Well, one was about a week or ten
12 days ago. Another time a few weeks before that.
13 But actually I was just there to listen, not say
14 anything.

15 Q. Did you testify? Were you under
16 oath testifying?

17 A. Not really.

18 Q. Well, you were or you weren't,
19 right?

20 A. Technically I wasn't.

21 Q. Okay.

22 Have you testified in court in
23 connection with your [REDACTED]
24 proceeding?

25 A. No.

1 Q. Are your [REDACTED]
2 proceedings against Ms. Hightower still ongoing?

3 A. Yes.

4 MR. SANFORD: All right.

5 Let's take a break. How much
6 time do we have left on the record?

7 Mr. DeNiro, whatever it is, we
8 have very little time. So we're almost
9 done with this process.

10 THE VIDEOGRAPHER: Okay.

11 The time is now 2:10 p.m., and
12 we're going off -- oh, sorry.

13 MR. BENNETT: That's all right.
14 We're just trying to get a gauge on
15 timing.

16 David, do you have any idea as to
17 how long --

18 MR. DROGIN: If we're going off
19 at 2:10, then I think we have eight
20 minutes left.

21 THE VIDEOGRAPHER: Okay.

22 The time is 2:10 and we're going
23 off the record.

24 MR. SANFORD: So many questions;
25 so little time.

1 THE VIDEOGRAPHER: The time is
2 2:10. We're going off the record.

3 (Whereupon, at 2:10 o'clock
4 p.m., a recess was taken until 2:15
5 o'clock p.m.)

6 THE VIDEOGRAPHER: The time is
7 2:15 p.m.

8 We are back on the record.

9 BY MR. SANFORD:

10 Q. All right.

11 Mr. DeNiro, we have about eight
12 minutes left.

13 Do you understand you're still under
14 oath?

15 A. Yes, yes.

16 Q. Okay.

17 Would you agree that in preparing
18 for your film roles you often find ways to live
19 as the characters you're attempting to portray?

20 A. Everything is different. Not
21 necessarily. Not live the way they -- do
22 certain things that they would do possibly in
23 certain situations, behave certain ways
24 possibly. Every situation is different.

25 Q. Well, you're quoted as saying at one

1 point you like to totally submerge yourself into
2 a character, right?

3 A. Well, that's what I like to do.
4 That isn't what I always do. Don't always
5 believe what you read.

6 What?

7 Q. Well, when you said that or when you
8 sometimes do that, what does it mean to totally
9 submerge yourself into a character?

10 A. You can't totally submerge yourself
11 into a character. You can get tastes of it,
12 bits of it, moments of it.

13 And it depends on what the character
14 is; whether it is a physical thing, whether it
15 is a physical, mental and certain things that
16 you can only get, get to by working on it and
17 practice in a certain way.

18 It is called muscle memory or
19 whatever. You do certain things; something with
20 the back, something with the leg or an ailment
21 or some character thing in the face or in the
22 body or whatever.

23 So that's a physical thing and how
24 that affects you mentally, and then what you do,
25 how you, again, practice, practice what that is,

1 what those movements are so they're more second
2 nature. They're not just something you learned
3 on the day, which you sometimes can do and
4 you'll be all right.

5 It depends on really what it is. So
6 I don't submerge myself in a character where I'm
7 living in that character as that character in a
8 room, though that's possible.

9 And there are some actors who might
10 do that, and that's valid as long as you don't
11 hurt yourself or anybody else. That's fine.
12 That's a very viable way of working on
13 something.

14 Q. Have you ever found that portraying
15 certain characters in a film affects your
16 personality off screen?

17 A. No, not really. I mean, when you're
18 in that, you're in it and you're out. And
19 there's a difference and there's a relief that
20 you're out.

21 There are times that you have
22 elements of it or residual, residual things come
23 through at the end of the day or something, but
24 it is not -- that's about it. Voice things,
25 something like that if you're doing a particular

1 accent.

2 But that's really -- in my
3 experience. Listen, there are other actors and
4 I can't speak for them.

5 Q. Can you think of a time when in
6 which you portrayed a character in film where it
7 affected your personality off screen?

8 A. Not to a point where it really is
9 anything of any importance. Let's put it that
10 way.

11 Q. There was a piece in Vanity Fair,
12 June Guterman, your assistant in Raging Bull,
13 who was quoted in that piece as saying, and I
14 quote "You never break character even when
15 filming stops."

16 Do you agree with that?

17 A. Well, in that situation I might have
18 kept -- tried to keep in character to a degree,
19 of course. But at the same time, that's only
20 when you can. Other times you can't. You're
21 interacting with people.

22 Maybe you try to keep to yourself
23 more so you don't have to break certain things.
24 Not necessarily breaking character. It is
25 breaking concentration and distractions that are

1 unnecessary -- that, yes, yes.

2 Q. Have you ever found yourself
3 continuing to behave like one of your characters
4 after filming stopped?

5 MR. DROGIN: Objection to the
6 form.

7 A. No, no. There was a movie, I forget
8 who was in it, somebody was telling me the
9 actor -- you know, he's so caught up in the
10 characters he plays. It was like in the '30s.
11 It was a pretty well-known movie that he did all
12 that.

13 But I have not -- I've not had that.
14 But, look, there could be actors who, you know,
15 do it. To a degree. Some you do a little more
16 or a little less depending on the character.
17 Some scenes you get more into practicing certain
18 things that this character would do in that
19 scene, behavioral, this or that. But never to
20 the point where you're into their reality when
21 you're out of -- when you're not shooting, if
22 you will.

23 BY MR. SANFORD:

24 Q. All right.

25 We're just about out of time. I'm

1 just going to give you an open question or two
2 and then we're done.

3 A. Okay.

4 Q. When you look back at what's
5 happened here, this is a bit of a mess.

6 A. Yes.

7 Q. A messy situation. I appreciate
8 that. You appreciate that. It is difficult for
9 everybody.

10 When you think back on it, do you
11 have any regrets about anything?

12 MR. DROGIN: Objection to the
13 form.

14 A. I don't -- you know, I regret that
15 maybe I should have -- maybe should have let
16 Chase go before that Christmas. She had me in a
17 position where I needed her for the holidays
18 with everything with the kids and the family and
19 this and that.

20 She said -- I thought she intimated
21 she had another offer. I'm not sure. I could
22 be wrong. I said okay, let's -- so we came up
23 where I think I offered or she asked for \$60,000
24 more a year and I said okay. Maybe -- and when
25 those titles were being asked of me, I should

1 have said, "Look, you have to find a job where
2 you feel that you're getting more. Maybe you're
3 just not getting what you need from the
4 situation with me. I will write you a
5 recommendation. I will help you get that."

6 At that time I might have been more
7 disposed to it in doing an accurate
8 recommendation for her. That's first and
9 foremost because -- not negative. It is just
10 what a person is so that they know what they
11 have.

12 It is not negative. It is just the
13 mild pros and cons, if you will. That, you
14 know, that would have been maybe another way to
15 go. Just say there's going to be trouble here.
16 I didn't, and here we are.

17 So that's it. I regret it. I
18 don't, I don't wish Chase bad or anything. I
19 just want to move on. She should move on. Good
20 luck. Whatever. That's all I care about.

21 BY MR. SANFORD:

22 Q. Well, that gets to my next
23 open-ended question. The first was looking
24 back. The second is looking forward.

25 What would you like to see happen

1 going forward?

2 A. You mean for me?

3 Q. Yes.

4 Well, for you and this whole case,
5 this whole situation we're in.

6 A. I would just like it to go away. I
7 think there is a lot of, a lot of wasted time.
8 And I don't usually ever find myself in this
9 type of situation, other than my divorce now and
10 [REDACTED] certain issues.

11 I don't like to be in this
12 situation, and I'm sorry that I was dragged into
13 this. But here I am in it, and we have to go
14 through it and come out the other side and move
15 on. That's all.

16 I have too many other things in my
17 life to worry about; too many other real things
18 that I have to worry about, as we all do, as we
19 get older especially.

20 Q. I understand.

21 Well, Mr. DeNiro, I'm sorry about
22 the circumstances of our time together. I know
23 it is difficult for everyone, you included.

24 A. Thank you.

25 Q. Yes. We'll see what happens going

1 forward.

2 MR. SANFORD: I think I'm done --

3 THE WITNESS: Okay.

4 MR. SANFORD: -- for today.

5 We'll see you at trial.

6 THE WITNESS: Okay.

7 Thank you.

8 MR. SANFORD: Thank you.

9 THE WITNESS: Bye.

10 MR. BENNETT: Bob, you can close
11 out.

12 THE VIDEOGRAPHER: Are we ending
13 for the day?

14 All right.

15 The time is 2:24 p.m.

16 Off the record.

17 (Whereupon, at 2:25 o'clock
18 p.m., the deposition was concluded.)

19

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1 INSTRUCTIONS TO WITNESS

2

3 Read your deposition over carefully. It is
4 your right to read your deposition and make
5 changes in form or substance. You should assign a
6 reason in the appropriate column on the errata
7 sheet for any change made.

8 After making any change in the form or
9 substance, and which have been noted on the
10 following errata sheet, along with the reason for
11 any change, sign your name on the errata sheet and
12 date it.

13 Then sign your deposition at the end of your
14 testimony in the space provided. You are signing
15 it subject to the changes you have made in the
16 errata sheet, which will be attached to the
17 deposition before filing. You must sign it in
18 front of a notary public. Any competent adult may
19 witness your signature.

20 Return the original errata sheet to the court
21 reporter promptly. Court rules require filing
22 within 30 days after you receive deposition.

23

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1	ERRATA SHEET			
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1 SIGNATURE PAGE
2 OF
3 ROBERT DE NIRO

5 I hereby acknowledge that I have read the
6 foregoing deposition, dated October 21, 2022, and
7 that the same is a true and correct transcription
8 of the answers given by me to the questions
9 propounded, except for the changes, if any, noted
10 on the attached errata sheet.

SIGNATURE: _____

WITNESSED BY: _____

DATE: _____

1 C E R T I F I C A T E

2 STATE OF NEW JERSEY)

3) SS:

4 COUNTY OF MONMOUTH)

5

6 I, CATHERINE M. DONAHUE, a Certified Court
7 Reporter and Notary Public within and for the
8 State of New Jersey, do hereby certify:

9 That the witness whose deposition is
10 hereinbefore set forth was duly sworn by me and
11 that such deposition is a true record of the
12 testimony given by such witness.

13 I further certify that I am not related to
14 any of the parties to this action by blood or
15 marriage, and that I am in no way interested in
16 the outcome of this matter.

17 IN WITNESS WHEREOF, I have hereunto set my
18 hand this 23rd day of October, 2022.

19

20

Catherine Donahue

CATHERINE M. DONAHUE, CCR

21

License No. 30X100223700

22

23

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25